

Thursday  
April 24, 1986

# Federal Register

**Briefings on How To Use the Federal Register—**  
For information on briefings in Washington, DC, see  
announcement on the inside cover of this issue.

## Selected Subjects

- Aviation Safety**  
Federal Aviation Administration
- Bridges**  
Coast Guard
- Continental Shelf**  
Minerals Management Service
- Drug Traffic Control**  
Drug Enforcement Administration
- Endangered and Threatened Species**  
Fish and Wildlife Service
- Marine Safety**  
Coast Guard
- Medicare**  
Health Care Financing Administration
- Navigation (Water)**  
Coast Guard
- Old-Age, Survivors and Disability Insurance**  
Social Security Administration
- Prescription Drugs**  
Drug Enforcement Administration
- Privacy**  
Justice Department
- Radio**  
Federal Communications Commission

CONTINUED INSIDE





**FEDERAL REGISTER** Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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**How To Cite This Publication:** Use the volume number and the page number. Example: 51 FR 12345.

## Selected Subjects

### Radio Broadcasting

Federal Communications Commission

### Reporting and Recordkeeping Requirements

Coast Guard

Federal Crop Insurance Corporation

### Television Broadcasting

Federal Communications Commission

### Trade Practices

Federal Trade Commission

## THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

**FOR:** Any person who uses the Federal Register and Code of Federal Regulations.

**WHO:** The Office of the Federal Register.

**WHAT:** Free public briefings (approximately 2 1/2 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

**WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### WASHINGTON, DC

**WHEN:** May 15; at 9 am.

**WHERE:** Office of the Federal Register,  
First Floor Conference Room,  
1100 L Street NW., Washington, DC.

**RESERVATIONS:** Laurence Davey 202-523-3517



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Federal Register

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# Presidential Documents

Title 3—

Proclamation 5464 of April 22, 1986

The President

National School Library Month, 1986

By the President of the United States of America

## A Proclamation

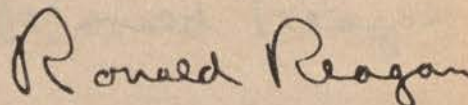
The accumulation of information, the acquisition of knowledge, and the application of that knowledge to solve problems or enhance life are principal functions of American education. At every level, school libraries offer a great range of resource materials that greatly enrich education and increase the knowledge and understanding of all Americans.

Young people often develop a lifelong love of reading because of their exposure to books in school libraries. Furthermore, researchers are often motivated by the vast resources of university and special libraries as they dedicate themselves to studying the problems of society. School libraries and their dedicated staffs make an incalculable contribution to our educational system.

The Congress, by Senate Joint Resolution 52, has designated the month of April 1986 as "National School Library Month" and has authorized and requested the President to issue a proclamation in observance of this occasion.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of April 1986 as National School Library Month. I invite the Governors of every State, principals, teachers, educators, students, parents, and all Americans to observe this month with appropriate activities to heighten the awareness of the importance of school libraries.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.



[FR Doc. 86-9298

Filed 4-22-86; 2:40 pm]

Billing code 3195-01-M







## Presidential Documents

Proclamation 5465 of April 22, 1986

### Asian/Pacific American Heritage Week, 1986

By the President of the United States of America

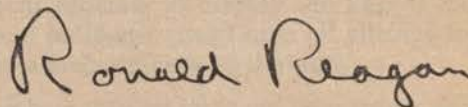
#### A Proclamation

Americans who have come from Asian and Pacific countries have made notable contributions to our Nation in a wide range of fields, including science, the arts, medicine, law, literature, agriculture, industry, commerce, and government. Through the rich and varied traditions and heritages of their homelands, they have greatly enhanced America's culture and the lives of all Americans.

This Nation fittingly honors its citizens of Asian and Pacific descent. They have brought to our country an industriousness that boosts our economy and a passion for freedom that rejuvenates American ideals. We are grateful to Asian and Pacific Americans for their unwavering support for the unalienable rights to life, liberty and the pursuit of happiness that form the core of the American ethos. Through their bravery and perseverance, they have provided us with a moving testament to the universality of the human thirst for political freedom.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim the week beginning May 4, 1986, as Asian/Pacific American Heritage Week, and call upon all people of the United States to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.





THE UNITED STATES OF AMERICA

Washington, D. C.

January 1, 1900

My dear Sir,

I have the honor to acknowledge the receipt of your letter of the 29th inst.

and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,  
Yours very truly,  
[Signature]

The undersigned, being duly sworn, deposes and says that the foregoing is a true and correct copy of the letterhead and contents of a letter written by him to the Honorable Secretary of the Interior, at Washington, D. C., on the 29th day of December, 1900, and that the same is a true and correct copy of the letterhead and contents of a letter written by him to the Honorable Secretary of the Interior, at Washington, D. C., on the 29th day of December, 1900.

Witness my hand and the seal of the United States of America, at the City of Washington, this 30th day of December, 1900.

Very respectfully,  
[Signature]

[Signature]



## Presidential Documents

Proclamation 5466 of April 22, 1986

### Mother's Day, 1986

By the President of the United States of America

#### A Proclamation

By tradition, the second Sunday in May is designated as Mother's Day, one of America's best-loved holidays. It gives us all a special occasion to honor our own, and to praise the unique dignity of motherhood, one of life's highest callings.

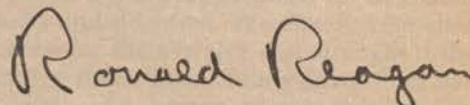
Thomas Jefferson called motherhood "the keystone of the arch of matrimonial happiness," and we must always remember that with love, strength, and fortitude, the American mother assisted in the settlement, development, and prosperity of our country. Her contributions to the well-being of the family, the community, and the Nation are beyond all reckoning. A Jewish saying sums it up: "God could not be everywhere—so He created mothers."

The role of the mother has changed constantly in our society, but its fundamental meaning abides: love and caring. The modern mother is conquering new worlds. She continues to be the heart of the family and the hearth of the home. Where mothers are honored and loved, the family is strong. And where the family is strong the nation is strong.

In recognition of the magnificent contributions of mothers to their families and to the Nation, the Congress, by a joint resolution approved May 8, 1914 (38 Stat. 770), has designated the second Sunday in May of each year as Mother's Day and requested the President to call for its appropriate observance.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby request that Sunday, May 11, 1986, be observed as Mother's Day. I urge all Americans to express their love and honor to their mothers and to reflect on the importance of motherhood to the well-being of our country. I direct Government officials to display the flag of the United States on all Federal government buildings, and I urge all citizens to display the flag at their homes and other suitable places on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.





PROTESTANT DOCUMENT

Protestant Church of the South

Protestant Church of the South

Protestant Church of the South

Protestant Church of the South

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Protestant Church of the South

Protestant Church of the South



## Presidential Documents

Proclamation 5467 of April 22, 1986

### Father's Day, 1986

By the President of the United States of America

#### A Proclamation

Each year the third Sunday in June is designated as Father's Day, a day on which we honor our Nation's fathers for everything they do for their families and for America.

Today fatherhood is sometimes drily described as a craft or an occupation, something which competes with career or outside pursuits for time and attention. Contemporary books and articles offer reams of advice to mothers and fathers on how to improve as parents and better manage their time at home and with their children. In this era of new demands and stresses on families, we frequently forget just what it is that is special about fatherhood, what makes it not a part of life, but a path in life that has, in every generation, the power to create and renew.

Fatherhood, after all, is about childhood. Fatherhood is walking the floor at midnight with a sick baby that cannot sleep; fatherhood is an arm around the shoulders of a child crying because a balloon is lost; fatherhood is repairing a bicycle wheel for the umpteenth time knowing that it won't last more than the afternoon. Fatherhood is guiding a youth through the wilderness of adolescence toward the vast expanse of adulthood; fatherhood is holding tight when all else seems to be falling apart; and fatherhood is letting go when it is time to part. Fatherhood is long hours at the blast furnace or in the fields, behind the wheel or in front of a computer screen, working a twelve-hour shift or doing a six-month tour of duty. In short, fatherhood is giving one's all, from a child's first day of life on, from the break of day to its end—on the job, in the household, but, most of all, in the heart.

From the vantage point of his love and responsibility, a father sees the future and dedicates himself to doing whatever is necessary to bring his family safely through. No father performs any of these tasks with thought of thanks or reward. The things that gratify him most are those that represent success in what he has labored to impart to his children: strength of character and conviction, love of family and country, a sense of right and wrong, and, above all, a spirit of thanksgiving for the generous gift of life itself.

Because human nature often keeps us from recognizing how great another's sacrifice is until we assume similar burdens, many of us realize for the first time how dearly we were prized only when we ourselves become parents. On this day for fathers, all of us have a special opportunity to say thanks to America's dads for their selflessness and devotion. We also have a chance to say a prayer for fathers everywhere—for their health and strength if they are with us, or for their blessing if this day finds them smiling down from heaven's bright corridors. Truly, for the labor and legacy of our families and our freedoms, we cannot thank them enough.



NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, in accordance with a joint resolution of the Congress approved December 28, 1970 (36 U.S.C. 142a), do hereby proclaim Sunday, June 15, 1986, as Father's Day. I invite the States and communities and the people of the United States to observe that day with appropriate ceremonies as a mark of appreciation and abiding affection for their fathers. I direct government officials to display the flag of the United States on all Federal government buildings, and I urge all Americans to display the flag at their homes and other suitable places on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.

*Ronald Reagan*

[FR Doc. 86-9301

Filed 4-22-86; 2:43 pm]

Billing code 3195-01-M

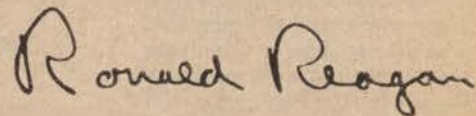


## Presidential Documents

Notice of April 22, 1986

### Continuation of Nicaraguan Emergency

On May 1, 1985, by Executive Order No. 12513, I declared a national emergency to deal with the threat to the national security and foreign policy of the United States constituted by the actions and policies of the Government of Nicaragua. Because those actions and policies continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on May 1, 1985, must continue in effect beyond May 1, 1986. Therefore, in accordance with Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Nicaragua. This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,  
April 22, 1986.

[FR Doc. 86-9334

Filed 4-22-86; 4:24 pm]

Billing code 3195-01-M

**Editorial note:** For the text of the President's message to the Congress, dated April 22, on the continuation of the Nicaraguan emergency, see the *Weekly Compilation of Presidential Documents* (vol. 22, no. 17).







# Rules and Regulations

Federal Register

Vol. 51, No. 79

Thursday, April 24, 1986

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Part 400

[Amdt. No. 2; Docket No. 0084A]

#### General Administrative Regulations; Information Collection Requirements Under the Paperwork Reduction Act; OMB Control Numbers

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) hereby amends Subpart H in Part 400, Chapter IV, Title 7 of the Code of Federal Regulations, listing the control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements contained in all regulations issued by FCIC, for the purpose of including the control number assigned by OMB to information collection requirements with respect to FCIC's Standard Reinsurance Agreement.

**EFFECTIVE DATE:** April 24, 1986.

**FOR FURTHER INFORMATION CONTACT:** Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447-3325.

**SUPPLEMENTARY INFORMATION:** This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect thereto are impracticable and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the Federal Register.

Further, since this rule relates to internal agency management it is exempt from the provisions of Executive Order 12291. Lastly, this action is not a

major rule as defined in Pub. L. 96-354, the Regulatory Flexibility Act, and thus is exempt from the provisions of the Act.

The Office of Management and Budget (OMB) regulations (5 CFR Part 1320; 48 FR 13666, March 31, 1983), titled "Controlling Paperwork Burdens on the Public", requires FCIC to publish currently valid OMB control numbers for each collection of information requirement contained in its regulations. These numbers must be published in a manner that will ensure codification into the Code of Federal Regulations.

FCIC hereby amends 7 CFR Part 400, Subpart H to include the information collection control number issued by OMB with respect to FCIC's Standard Reinsurance Agreement.

#### List of Subjects in 7 CFR Part 400

Administrative practice and procedure; Information collection requirements; OMB control numbers.

#### Final Rule

In accordance with the provisions of 5 CFR 1320, and the Paperwork Reduction Act, Pub. L. 96-511 (44 U.S.C., Chapter 35), the Federal Crop Insurance Corporation hereby amends the General Administrative Regulations; Information Collection Requirements Under the Paperwork Reduction Act: OMB Control Numbers, found at 7 CFR Part 400, Subpart H, effective upon publication in the Federal Register, in the following instances:

1. The authority citation for 7 CFR Part 400, Subpart H, continues to read as follows:

**Authority:** 5 U.S.C. 1320, Pub. L. 96-511 (44 U.S.C., Chapter 35).

2. 7 CFR 400.66(b) is amended by adding the following:

#### § 400.66 Display.

\* \* \* \* \*

(b) \* \* \*

Standard Reinsurance Agreement,  
0563-0010.

(Expiration Date June 30, 1986).

\* \* \* \* \*

Done in Washington, DC, on April 1, 1986.

Edward Hews,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 86-9169 Filed 4-23-86; 8:45 am]

BILLING CODE 3410-08-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 85-ASO-10]

#### Revocation of Transition Area, Tallahassee, AL

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment revokes the transition area which was predicated on the Tallahassee, Alabama, Municipal Airport. The airport has been temporarily deactivated and the instrument approach procedures, which previously established the need for the transition area, have been canceled. This action will raise the base of controlled airspace, within a 6.5-mile radius of the former airport site, from 700 feet to 1,200 feet above the surface.

**EFFECTIVE DATE:** 0901 UTC, July 3, 1986.

**FOR FURTHER INFORMATION CONTACT:** Donald Ross, Supervisor, Airspace Section, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

#### SUPPLEMENTARY INFORMATION:

##### History

On Thursday, December 26, 1985, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by revoking a transition area and raising the base of controlled airspace from 700 feet to 1,200 feet above the surface, within a 6.5-mile radius of the Tallahassee Municipal Airport site (50 FR 52797). The former Tallahassee Municipal Airport has been changed from a public-use to a private-use facility. Sikorsky Aircraft Company, owner of the airport site, has temporarily deactivated the airport but plan to reopen it in the 1988/1989 time period. The deactivation resulted in cancellation of instrument approach procedures thus negating the need for the transition area at this time.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Comments were received from Sikorsky



Aircraft Company, the City of Tallahassee, the Governor of Alabama, and the Alabama Department of Economic and Community Affairs. All parties commenting requested that the transition area not be revoked as it was thought such action would affect future plans for expansion and use of the airport. This in turn was viewed as having a potential adverse effect on the future development of the area.

The temporary deactivation of the airport for a period of four to five years precludes the conduct of Instrument Flight Rule (IFR) operations to or from the airport site. Transition areas are established for the protection of arriving and departing IFR aircraft operations. As such operations are not now being conducted, there is no longer an existing need for the transition area.

We have assured Sikorsky Aircraft Company, that when the airport is reactivated, appropriate actions to redesignate the necessary airspace and IFR procedures required for aeronautical activities will be accomplished. The revocation of the transition area at this time will not impede future development of the Sikorsky facilities at Tallahassee. This amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6B dated January 2, 1986.

#### The Rule

This amendment to Part 71 of the Federal Aviation Regulations revokes the Tallahassee, Alabama, transition area and raises the floor of controlled airspace in the vicinity of the former municipal airport from 700 to 1,200 feet above the surface.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

#### Adoption of the Amendment

##### PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

##### § 71.181 [Amended]

2. By amending § 71.181 as follows:

##### Tallahassee, AL—[Removed]

By removing the title and text.

Issued in East Point, Georgia, on April 8, 1986.

Thomas H. Protiva,

Manager, Air Traffic Division, Southern Region.

[FR Doc. 86-9111 Filed 4-23-86; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 85-ASO-27]

##### Alteration of Control Zone, Anniston, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment reduces the size of the Anniston, Alabama, control zone arrival extension. The arrival extension, as presently described, was predicated upon an instrument approach procedure which was based on the Anniston radio beacon. The radio beacon was decommissioned several months ago due to on-airport construction and the associated instrument approach procedure was cancelled. While an arrival extension is still required for another existing instrument approach procedure, it requires much less airspace. Thus, the floor of controlled airspace in an area southwest of the airport may be raised from the surface to 700 feet above the surface. In addition, the present description of the control zone contains a provision which permits use of the FAA's Notice to Airmen (NOTAM) system to publicize the effective days and hours of the control zone. As the Anniston Flight Service Station, which is located on the airport, operates on a full-time basis, this NOTAM provision is no longer required and will be removed from the control zone description.

**EFFECTIVE DATE:** 0901 UTC, August 28, 1986.

#### FOR FURTHER INFORMATION CONTACT:

Donald Ross, Supervisor, Airspace Section, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

#### SUPPLEMENTARY INFORMATION:

##### History

On Friday, December 27, 1985, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by reducing the size of the arrival extension associated with the Anniston, Alabama, control zone. The geographical coordinates of the airport will be corrected in this action as those presently listed are slightly in error. In addition, the provision which permits changes in hours of operation of the control zone by NOTAM will be removed from the description as it is no longer required (50 FR 52931). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6B dated January 2, 1986.

##### The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the Anniston, Alabama, control zone by reducing the size of an arrival extension by deleting reference to a decommissioned radio beacon and by removing a provision which permits changing effective times of the control zone through use of the FAA NOTAM system.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.



**List of Subjects in 14 CFR Part 71**

Aviation safety, Control zone.

**Adoption of the Amendment****PART 71—[AMENDED]**

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

1. The authority citation for Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

**Adoption of the Amendment****§ 71.171 [Amended]**

2. § 71.171 is amended as follows:

Within a 5-mile radius of Anniston-Calhoun County Airport (lat. 33°35'17" N., long. 85°51'29" W.); within 2 miles each side of the Anniston southwest localizer course, extending from the 5-mile radius zone to the LOM.

Issued in East Point, Georgia, on April 8, 1986.

Thomas H. Protiva,

Manager, Air Traffic Division, Southern Region.

[FR Doc. 86-9110 Filed 4-23-86; 8:45 am]

BILLING CODE 4910-13-M

**FEDERAL TRADE COMMISSION****16 CFR Part 13**

[Docket No. 9137]

**Massachusetts Furniture and Piano Movers Association, Inc.; Prohibited Trade Practices and Affirmative Corrective Actions**

**AGENCY:** Federal Trade Commission.

**ACTION:** Dismissal Order.

**SUMMARY:** The Federal Trade Commission has dismissed the complaint against respondent after determining that continued prosecution of the case is no longer in the public interest.

**DATES:** Final Order issued Sept. 28, 1983. Dismissal Order issued March 19, 1986.

**FOR FURTHER INFORMATION CONTACT:** Leslie R. Melman, FTC/H-582, Washington, DC 20580. (202) 523-3587.

**SUPPLEMENTARY INFORMATION:** In the Matter of Massachusetts Furniture and Piano Movers Association, Inc., a corporation. The prohibited trade practices and/or corrective actions, appearing at 48 FR 49217, are deleted.

**List of Subjects in 16 CFR Part 13**

Furniture movers, Trade practices.

**Authority:** (Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45).

**Before Federal Trade Commission**

[Docket No. 9137]

**Order of Dismissal**

Commissioners: Terry Calvani, Acting Chairman, Patricia P. Bailey, Mary L. Azcuenaga, Andrew J. Strenio, Jr.  
In The Matter of Massachusetts Furniture and Piano Movers Association, Inc., a corporation.

The Commission has determined that the continued prosecution of this case is no longer in the public interest.

Accordingly,

*It Is Ordered*, That the complaint be and hereby is dismissed.

By the Commission. Commissioner Strenio not participating.

Issued: March 19, 1986.

Emily H. Rock,

Secretary.

[FR Doc. 86-9128 Filed 4-23-86; 8:45 am]

BILLING CODE 6750-01-M

**16 CFR Part 13**

[Docket No. 9181]

**Rhode Island Board of Accountancy; Prohibited Trade Practices, and Affirmative Corrective Actions**

**AGENCY:** Federal Trade Commission.

**ACTION:** Consent Order.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires the Rhode Island Board of Accountancy, the sole licensing authority for CPAs and PAs in the state, among other things, to cease prohibiting accountants in the state from seeking business by truthful advertisements or other non-deceptive forms of solicitation. Respondent may continue to impose restrictions authorized by the state legislature against dishonest or fraudulent practices and against persons who falsely identify themselves as accountants.

**DATE:** Compliant issued July 10, 1984. Decision issued Feb. 25, 1986.<sup>1</sup>

**FOR FURTHER INFORMATION CONTACT:** FTC/B-851, Charles W. Corddry, Washington, DC 20580. (202) 724-1269.

**SUPPLEMENTARY INFORMATION:** On Friday, November 29, 1985, there was published in the Federal Register, 50 FR 49063, a proposed consent agreement

with analysis in the Matter of Rhode Island Board of Accountancy, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Coercing and Intimidating: § 13.367 Members. Subpart—Combining or Conspiring: § 13.384 Combining or conspiring; § 13.395 To control marketing practices and conditions; § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-45 Maintain records. Subpart—Cutting Off Supplies or Service: § 13.655 Threatening disciplinary action or otherwise.

**List of Subjects in 16 CFR Part 13**

Accountants, Advertising, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Emily H. Rock,

Secretary.

[FR Doc. 86-9127 Filed 4-23-86; 8:45 am]

BILLING CODE 6750-01-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Social Security Administration****20 CFR Parts 404 and 416**

**Social Security Benefits and Supplemental Security Income; Personal Appearance Demonstration Projects**

**AGENCY:** Social Security Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** These regulations describe how we will carry out the personal appearance demonstration projects which are required by section 6 of Pub. L. 98-480, the Social Security Disability Benefits Reform Act of 1984. The demonstration projects will test, on a

<sup>1</sup> Copies of the Complaint and the Decision and Order are filed with the original document.



limited basis, the use of personal appearance interviews in connection with initial determinations about disability or blindness which are made by State agencies. The demonstration projects will involve disability cases under title II of the Social Security Act (the Act) as well as blindness and disability cases in the Supplemental Security Income (SSI) program under title XVI of the Act. Participants in the demonstrations will be selected randomly from among individuals who have applied for benefits but have not received an initial determination about their eligibility, and from among individuals who have been receiving benefits but whose condition is being reviewed to determine whether they are still disabled or blind.

Under the demonstration projects, individuals who are selected to participate will be provided an opportunity for an interview with a State agency disability examiner prior to any initial determination of ineligibility. In some locations a State agency medical consultant may participate in the interview together with the disability examiner, although the rest of this preamble will refer to the interviewer(s) as the disability examiner. Medical examinations will not be conducted as part of the interview process. The demonstration projects will be conducted in several States. Their purpose is to test whether an interview with the State agency disability examiner at this stage of the decisionmaking process will result in a better evaluation of the person's condition and simplify and expedite the decisionmaking process.

**DATE:** These regulations are effective April 24, 1986.

**FOR FURTHER INFORMATION CONTACT:** Cliff Terry, Office of Regulations, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-7519.

**SUPPLEMENTARY INFORMATION:** We published these regulations as a Notice of Proposed Rulemaking (NPRM) on December 27, 1985 (50 FR 53120). Public comments received are discussed below.

Pub. L. 98-460, the Social Security Disability Benefits Reform Act of 1984, enacted October 9, 1984, addresses selected aspects of the standards and procedures for determining whether people are disabled or blind for purposes of eligibility for benefits under titles II and XVI of the Act. (In the rest of this preamble, we use "disability" and "disabled" to include blindness.) A much-discussed issue in the past few years has been the process of reviewing the condition of people already

receiving disability benefits to determine whether they continue to be disabled. One point of concern in that process has been the fact that the initial determination as to whether an individual's disability has ceased is based on a paper review of the evidence in the individual's case record, and is usually made without the adjudicator having personally observed the individual or having heard firsthand the individual's own description of his or her condition. The decisionmaking process is the same for new applications for disability benefits, and the same concerns have been voiced about it.

Section 6 of Pub. L. 98-460 calls for demonstration projects to test the use of personal appearance interviews at the initial stage of the decisionmaking process for continuing disability reviews and for initial disability claims under both title II and title XVI of the Act. Under section 6 of Pub. L. 98-460, the Secretary of Health and Human Services (the Secretary) is required to conduct demonstration projects in which beneficiaries who are undergoing continuing disability review, and claimants who have just applied for disability benefits, are provided an opportunity for an interview with the State agency disability examiner prior to any initial determination of ineligibility.

#### Existing Procedures

Our first level of decisionmaking about a person's eligibility or continuing eligibility for benefits is called an "initial determination." The initial determination of whether a person is disabled for purposes of title II or title XVI benefits is usually made by a State agency under the regulations at 20 CFR Part 404, Subpart Q, and Part 416, Subpart J. The State agency employees who make the determination are a physician or psychologist called a medical consultant and a nonphysician called a disability examiner. (The rest of this preamble will call them the decisionmaking team.) This will clarify several references which in the NPRM were written as if the disability examiner were the sole decisionmaker. The disability examiner must be qualified to interpret and evaluate medical reports and other evidence relating to a person's physical or mental impairments and, as necessary, to determine the capacities of the person to perform substantial gainful activity as defined at 20 CFR §§ 404.1572 and 416.972. A person who is dissatisfied with the initial determination in his or her case has three levels of administrative appeal available. The first level of appeal is called reconsideration. The second and third

levels, respectively, are a hearing before an administrative law judge (ALJ) and a review by the Appeals Council.

Section 4 of Pub. L. 97-455, enacted January 12, 1983, effective with reconsiderations requested after 1983, provided a new reconsideration process which we call a disability hearing. The statute makes disability hearings available to title II beneficiaries who request reconsideration of an initial determination that the physical or mental impairment on the basis of which benefits have been payable has ceased, did not exist, or is no longer disabling. The disability hearing is a face-to-face evidentiary hearing before a disability hearing officer, usually a State agency employee. Under the Secretary's rulemaking authority, our final regulations published January 3, 1986 (51 FR 288) provided the same kind of hearing in comparable title XVI cases.

A principal goal of the disability program is to provide benefits under the law in as accurate and timely a manner as possible. To accomplish this, the Social Security Administration (SSA) has operated under procedures designed to assure that all relevant evidence is obtained and considered in making disability determinations at the State agency level of decisionmaking and to provide an opportunity for face-to-face appeal of an initial unfavorable State agency decision at a later stage in the decision process.

Under existing procedures, an initial determination as to whether the claimant (the person who has applied for benefits) or beneficiary (the person whose entitlement has been established) is disabled or continues to be disabled is usually made by the State agency on the basis of the evidence (written medical and vocational reports) in the person's case file. Currently, the claimant or beneficiary can give us or have us get any additional or new information on paper, including reports from doctors, hospitals, employers or others, that he or she believes we should have before the determination is made. The claimant or beneficiary also talks to an SSA district office employee, but the SAA employee does not make the disability determination in the great majority of cases, namely those where the determination is based on medical/vocational factors. The SSA employee writes down all pertinent information the claimant or beneficiary tells the employee, and anything the employee observes by seeing and hearing the claimant or beneficiary that may be relevant in evaluating his or her condition. The SSA employee then sends this information and any



information or evidence the claimant or beneficiary provided on paper to the State agency.

The State agency evaluates the available evidence and obtains any additional evidence necessary, including reports from the individual's own medical sources as well as reports from physicians who examined the individual at the State agency's request. The State agency then makes an initial determination as to whether the individual is disabled on the basis of the evidence in the case file. In the process of appealing an unfavorable determination, at a later stage in the decisionmaking process, a beneficiary or claimant is entitled to a face-to-face meeting with a decisionmaker (a disability hearing officer or an administrative law judge (ALJ)).

#### The Demonstration Projects

In passing Pub. L. 98-460, Congress decided we should test potential changes in the disability determination process by offering a face-to-face interview between the claimant or beneficiary and the State agency disability examiner at the first stage of decisionmaking. The Ways and Means Committee of the House of Representatives stated: "The committee believes that such a meeting at the initial stage in the adjudicative process would permit State agency disability examiners to better assess the individual's residual functional capacity and assure that all relevant medical and vocational information has been obtained. Moreover, an interview at the initial State agency level, rather than at some later stage, would both simplify and expedite the decisionmaking process." (H.R. Rep. No. 618, 98th Cong. 2d Sess. 17 (1984)).

Accordingly, sections 6 (d) and (e) of Pub. L. 98-460 require us, as soon as practicable after October 9, 1984, the date of enactment, to implement demonstration projects in which the opportunity for a personal appearance is provided to disability claimants and beneficiaries prior to an initial disability determination or periodic review cessation determination by a State agency under titles II and XVI of the Act.

For determinations in continuing disability review cases, the provision specifies that the opportunity for a personal appearance at the initial level of decisionmaking takes place of the evidentiary hearing at the reconsideration level of review which is required under section 205(b)(2) of the Act. For initial claims, the statute does not specify that the opportunity for a personal appearance at the initial level

of decisionmaking will replace the reconsideration level of review, but the legislative history indicates that this was Congress's intent. Additionally, we see no advantage to maintaining the reconsideration level of appeal for these initial claims. By providing the claimant with a predecision notice followed by the opportunity to submit additional evidence and to meet face-to-face with a member of the decisionmaking team, we are, in effect, folding the reconsideration process into the initial step of adjudication. To offer a reconsideration in such cases would only delay cases from moving through the appeals process.

The demonstrations involving claimants are to be conducted in at least five States and the demonstrations involving beneficiaries are to be conducted in at least five States. We are required to report to Congress on the demonstration projects, together with any recommendations, by December 31, 1986.

Section 6(d) of Pub. L. 98-460 requires us to implement these demonstration projects in continuing disability review cases where the review is required by section 221(i) of the Act (periodic review cases) or is made under title XVI of the Act. However, our regulations also include "medical improvement expected" cases in the demonstrations. These are the cases which are selected for continuing disability review because medical improvement was expected. We decided to include these cases because the issues to be decided are the same as in the periodic review cases, and excluding "medical improvement expected" cases would lengthen the time required to obtain adequate sample sizes with which to assess the results of the demonstrations.

We publishing final regulations to inform people who may be selected to participate in the demonstration projects of the change in the procedures for deciding their cases and of the change of their appeal rights. We emphasize, however, that the demonstration projects are only tests of a different method of getting evidence of disability; the projects do not involve changes in standards used for determining whether or not a person is disabled.

Our regulations describe the demonstration projects and explain the procedures and the individual's rights in connection with the interview.

The regulations specify that, in connection with his or her interview, the claimant or beneficiary has the right to—

(1) Meet face-to-face with a State agency disability examiner before a

medical/vocational denial or cessation determination is made;

(2) Have us or the State agency assist in getting evidence;

(3) Be represented at the interview;

(4) Review the evidence in the file either on or before the date of the interview;

(5) Present additional evidence at the interview; and

(6) Present witnesses at the interview.

The claimant or beneficiary and his or her representative or witnesses may be eligible for reimbursement under the State agency's rules for travel expenses incurred in connection with the interview if the distance from the person's residence or office (whichever he or she travels from) to the interview site exceeds 75 miles.

The regulations specify that the first level of appeal from the State agency initial determination following the opportunity for an interview (regardless of whether or not the claimant or beneficiary takes advantage of the opportunity) is a hearing before an ALJ.

We will select people to participate in the demonstrations from among claimants in all or part of at least five States and from among beneficiaries in all or part of at least five States. We will select participants randomly from among individuals who will have their initial determinations about disability made by a State agency under § 404.1613 or § 416.1013. Thus, people whose disability determinations will not be made by a State agency will not be included in the projects. For example, SSA offices (rather than State agencies) determine that people are not disabled if they are in fact performing substantial gainful activity in spite of their medical condition. We plan to include in the demonstrations all kinds of State agency cases except those described in items (4) through (7) below, but because unforeseen circumstances may arise, we have provided in item (8) for exclusion of any cases we may find it would be impractical to include.

For people in the following categories, State agencies will continue to make disability determinations without the interviews required by Pub. L. 98-460:

(1) People not randomly selected to participate in the demonstration projects;

(2) People who can be determined to be disabled on the basis of the evidence in their files;

(3) People who, without good cause, fail to make a timely reply to (or who decline) the offer of an interview (however, their first level of appeal of our disability determination in these



cases will also be a hearing before an ALJ);

(4) People who have been determined not disabled but whose cases are being reexamined under the new disability standards in accordance with the Social Security Disability Benefits Reform Act of 1984;

(5) Beneficiaries whose condition was not expected to improve and whose continuing disability reviews result in a determination that they are still disabled without the need for any face-to-face contact with SSA or the State agency;

(6) Claimants who, after being selected to participate in a project, move to an area where the State agency is not participating in a project for claimants;

(7) Beneficiaries who, after being selected to participate in a project, move to an area where the State agency is not participating in a project for beneficiaries; and

(8) People the Social Security Administration finds it would be impractical to include in the projects.

We are excluding the people described in item (4) above from the demonstration projects because these people, although their cases are being reexamined, have already been through a disability determination process (including, in some cases, several levels of administrative review) and including them in the demonstration could possibly deter the expeditious processing of their cases and might bias the results of the demonstrations.

Exclusion (5) above was not listed in the NPRM. Although section 221(i) of the Act requires that the eligibility of individuals with permanent impairments be reviewed at such times as we determine to be appropriate, we expect the large majority of these reviews to result in determinations of continuing disability. For this reason, and to minimize the burden placed on these people by the continuing disability reviews, we are setting up a special procedure for them that emphasizes folder reviews and telephone contact with them by the State agency to verify that the impairment(s) is continuing. This special process for continuing disability reviews of beneficiaries whose impairment(s) was not expected to improve should eliminate the need for most of them to visit a Social Security office. Because we expect most of these beneficiaries to be found still disabled after only minimum review, we do not believe inclusion of their cases in the demonstration sample would add to what we learn from the demonstrations. However, any beneficiary whose continuing disability review requires more than the minimum review provided

by the special procedure, will be eligible for random selection into the demonstration sample of cases.

As item (2) above implies, the State agency will offer the opportunity for an interview only after concluding that a determination based only on the written reports in the case record would be a denial or cessation. The regulations indicate that where this occurs, the State agency will mail the individual a notice informing him or her of the preliminary unfavorable determination and to the opportunity for an interview before a formal determination is made. The notice will state that the individual has 30 days from the date he or she receives the notice to request an interview but explain that this deadline can be extended for good cause under the standards in §§ 404.911 and 416.1411. (The existing regulations at §§ 404.901 and 416.1401 explain that the date the individual receives notice means "5 days after the date on the notice, unless you show us that you did not receive it within the 5-day period.")

If the claimant or beneficiary makes a timely request for an interview, the State agency will mail a notice of its time and place at least 20 days in advance, unless the claimant or beneficiary waives (in writing) his or her right to the 20-day advance notice. The claimant or beneficiary will be informed that he or she should not waive the right to the 20-day advance notice if he or she needs time to get ready for the interview. If a claimant or beneficiary waives (in writing) his or her right to the 20-day advance notice, an interview will be scheduled as soon as possible and the State agency will mail a notice of the time and place of the interview at least 10 days in advance, unless the interview is scheduled by telephone as explained below.

Occasionally, for the convenience of all parties involved, an interview may be scheduled by telephone. In such instances, the State agency will mail a notice of the time and place of the interview only if it is scheduled for a date not less than 5 days from the date the telephone arrangements were made. If an interview was scheduled by telephone and the claimant or beneficiary does not appear for the interview, one of the following actions will be taken:

(1) If a notice of the time and place of the interview was not mailed at least 20 days before the scheduled date of the interview and the claimant or beneficiary did not waive (in writing) his or her right to the 20-day advance notice, the disability examiner will automatically schedule another interview. The State agency will mail a

notice of the time and place of the interview at least 20 days in advance.

(2) If a notice of the time and place of the interview was not mailed to the claimant or beneficiary and he or she waived (in writing) his or her right to the 20-day advance notice, the disability examiner will automatically schedule another interview. The State agency will mail a notice of the time and place of the interview at least 10 days in advance.

In any case where the 20-day advance notice (or, if the right to the 20-day advance notice is waived, the 10-day or 5-day notice) of the interview was mailed to the claimant or beneficiary and he or she does not appear for the interview, the decisionmaking team will make a determination as to whether the claimant or beneficiary is disabled based on the evidence in his or her case file. A written notice of that determination will be mailed to the claimant or beneficiary at his or her last known address.

At the request of the claimant or beneficiary, the State agency may allow up to 15 days after the interview for receipt of additional evidence which was not available at that time. The State agency may also obtain additional evidence, including a consultative medical examination as described in §§ 404.1517 and 416.917 or a report from the treating physician, after the interview if it believes it is necessary for a sound determination.

In preparing our report to Congress on the demonstration projects, we will evaluate them primarily by comparing the demonstration procedures with our usual procedures in terms of such things as—

(1) Elapsed time to final decision either from the claimant's application or from starting the review of the beneficiary's continued eligibility;

(2) Acceptance rate for interviews offered;

(3) Frequency of favorable determinations;

(4) Accuracy of determinations;

(5) Appeal rates;

(6) Reversal rates on appeal; and

(7) Program and administrative costs.

#### Public Comments

We received four letters of comments on the NPRM. The following summarizes and responds to the comments.

*Comment:* The final regulations should list the States and/or parts of States where the demonstrations will be held, "to avoid confusion" and particularly to alert legal services offices and private attorneys who handle many disability claims.



*Response:* We have not listed the locations where the demonstrations will be held in the regulations because the locations are tentative and subject to change. Tentatively, however, we expect the demonstrations to be conducted in Alabama, California, Georgia, Maine, Missouri, and New Jersey for continuing disability review cases, and in Arizona, Michigan, Mississippi, Montana, Nebraska, New Hampshire, and Oregon for initial claim cases.

*Comment:* We should not exclude from the demonstrations people who have been determined not disabled but whose cases are being reexamined under the new disability standards in accordance with Pub. L. 98-460. Without these cases, the sample cases will be mostly beneficiaries whose condition had not been expected to improve and the sample will therefore be unrepresentative. If we exclude the people whose cases are being reexamined, we should also exclude both people whose condition had not been expected to improve and the "medical improvement expected" cases, people whose condition had been expected to improve. Both groups are extreme cases that should be excluded from the demonstrations to assure they do not bias the results.

*Response:* The sample of cases in the demonstrations will be varied in nature, and we believe the sample will be more representative without the cases being reexamined under Pub. L. 98-460 than with them. Some of these reexamination cases have already been through multiple levels of administrative review. They represent a unique, one-time workload. We will plan to exclude them from the demonstrations.

We do not believe inclusion of the "medical improvement expected" cases will make the sample unrepresentative; they are fully typical of our permanent, ongoing workload. We do not plan to exclude them. Additionally, beneficiaries whose condition had not been expected to improve are also part of our ongoing workload and will be eligible for selection for the demonstrations, unless their continuing disability review requires only the minimum review as explained earlier in this preamble.

*Comment:* We should delete the provision for excluding from the demonstrations people we find it would be impractical to include. State agencies will use this provision to avoid holding interviews with people who are considered violent, live in remote areas, do not speak English, or in any other way are difficult to deal with. Part of the purpose of the experiment is to deal with potential problem situations in

order to learn how severe the problems are and how well they can be overcome.

*Response:* We have retained the provision. The circumstances of the demonstrations are sufficiently novel that we believe we cannot make an absolute commitment to offer interviews without allowing exclusion for some strong but unforeseeable reason. However, we also strongly agree that a vital part of the experiment's purpose is to gain experience in dealing with potential problem situations. We will not permit a State agency to make its own decision to exclude a person from the demonstrations because the State agency believes inclusion would be impractical. No one can be excluded on this basis without prior approval of SSA, and we will not approve exclusion except after strong justification.

*Comment:* The regulations should specify that the notice offering a person the opportunity for an interview will (a) stress that generally it will not be a good idea to waive written notice of the interview if the person would like to secure representation or believes there is additional evidence that could be supplied, (b) provide a list of the evidence in file, and (c) provide very specific information about why the disability examiner believes that that evidence requires a determination that the person is not disabled.

*Response:* The notice will inform the claimant or beneficiary that he or she should not waive the right to the 20-day advance notice if he or she needs time to get ready for the interview. The notice will also inform the person of the right to have a representative and to supply additional evidence. Additionally, the notice will list the evidence in file and explain specifically why it requires a determination that the person is not disabled. We do not believe these matters need to be set out in detail in the regulations.

*Comment:* The regulations should provide that the claimant or beneficiary may request a bilingual or sign language interpreter.

*Response:* The form for accepting the offer of an interview will provide a box for the claimant or beneficiary to check to request an interpreter, and one will be provided if requested. We do not believe this needs to be in the regulations.

*Comment:* The rules for how much notice of a scheduled interview a person will get, whether the notice will be written, and what happens if the person does not appear at an interview scheduled by telephone are confusing and should be simplified.

Also, when an interview is to be rescheduled after the person does not

appear as originally scheduled, rescheduling should be automatic; the person should not have to seek it.

*Response:* We agree that the rules are complicated, because they tell exactly what will happen in each of several different combinations of circumstances. However, we believe they accomplish their purpose. That purpose is to provide maximum flexibility in scheduling while protecting the claimant's or beneficiary's right to adequate notice by spelling out the limits on that flexibility. Flexibility of scheduling is important not only for administrative efficiency but for giving people prompt determinations on their cases.

We intended that, where the regulations provide for rescheduling after nonappearance, rescheduling would be automatic. We have revised the regulations to make that clear.

*Comment:* The regulations should require the State agency to telephone any person who is offered the opportunity for an interview and does not reply within the 30-day time limit, because the person may be mentally ill, mentally retarded, illiterate, or otherwise unable to reply effectively to the notice. Since the demonstrations are tests of ways to improve the adjudicatory process, data on the results of these calls should be considered in the evaluation of the demonstrations.

*Response:* Special efforts to contact a claimant or beneficiary are already standard State agency practice whenever there is any indication that the person may be unable to reply effectively. Therefore, we do not believe it is necessary to add a requirement for these efforts to the regulations. The results of these efforts will be considered in evaluation of the demonstrations.

*Comment:* The interviews should be held in places accessible to persons using wheelchairs and to other handicapped persons.

*Response:* We will ensure that no one is unable to have an interview because his or her impaired mobility makes the location inaccessible.

*Comment:* Travel expense reimbursement should be available for travel of less than the 75 miles stated in paragraph (g) of the proposed regulations, because claimants and beneficiaries, their representatives, and their witnesses will seldom have to travel that far for an interview.

*Response:* Indeed, we intend that State agencies will make every effort to require claimants and beneficiaries to travel much less than 75 miles to interviews. (How far their representatives and witnesses have to



travel, of course, is beyond the State agencies' control.)

Our policy of not paying travel expenses for travel less than 75 miles parallels our policy on travel reimbursement in connection with disability hearings and ALJ hearings. For travel for those purposes the 75-mile minimum is mandated explicitly by the current HHS appropriations act in SSI cases, and we think it would be clearly inappropriate to apply a different reimbursement rule in title II cases, in which there is less reason to presume financial need.

*Comment:* The interview should not be conducted by the same disability examiner who participated in the preliminary conclusion that the claimant or beneficiary is not disabled. The disability examiner who has participated in that preliminary conclusion will be prejudiced against the claimant or beneficiary.

*Response:* Although, in the majority of cases, we expect the interview to be conducted by the same person who participated in the preliminary conclusion, the interviewer may not always be the same person. (We have revised the regulations to clarify that fact.) We do not believe the decisionmaking team who reached the preliminary conclusion will be prejudiced, because we see the interview as a neutral means of ensuring that all relevant evidence is obtained as part of the information-gathering process. Additionally, the team's primary responsibility is to make an accurate determination, and since their final determination will be subject to review by SSA, every real incentive will be to make an accurate final determination, regardless of whether it agrees with the preliminary conclusion.

*Comment:* Where a State agency medical consultant participates in the interview along with the disability examiner, this may be intimidating to the claimant or beneficiary. Therefore, where the State agency uses the two-person team, it should be stressed to the claimant or beneficiary that he or she is entitled to be represented and that it is possible to obtain free legal representation.

In addition, if the claimant or beneficiary is not represented, we should permit only one member of the two-person team to question the claimant or beneficiary.

Also, we should compare the results of interviews by a two-person team with the results of one-person interviews to see if there is a difference.

*Response:* Our notices to claimants and beneficiaries will emphasize in every case that they are entitled to be

represented at the interview and that it may be possible to obtain free legal representation.

We will not limit questioning to one member of a two-person team because the main purpose of the medical consultant's participation is to ask any relevant questions, which may, in fact, be beneficial to the claimant's and beneficiary's interests. We do not believe the two-person team will be intimidating.

If we do experiment with use of a two-person team, we will compare the results of one- and two-person interviews to see if there is a difference.

*Comment:* The regulations should allow the disability examiner to subpoena records and to swear in witnesses.

Also, the regulations should require the disability examiner to show any notes he or she makes of the interview (if they are the State agency's only record of the interview) to the claimant or beneficiary, so that the claimant or beneficiary can put a written statement into the record rebutting any errors he or she believes appear in the disability examiner's notes. Otherwise any errors in the disability examiner's notes of the interview, especially inaccurately or incompletely recorded statements of the claimant or beneficiary, may prejudice the administrative law judge hearing if one is later held.

*Response:* Our experience has been that we can obtain all relevant evidence without subpoenas; therefore, we do not believe it is necessary to provide for subpoenas in connection with these interviews. Additionally, in order to keep the interview informal so that the claimant or beneficiary will feel relaxed enough to speak freely, we have also determined that it is necessary that witnesses not be sworn in.

The disability examiner's notes on the interview will be part of the case file, which the claimant or beneficiary or his or her representative is welcome to examine at any time. The claimant or beneficiary or his or her representative is also welcome to submit any written statement he or she wishes at any time, and it will become part of the case file too.

*Comment:* The regulations should provide for the disability examiner to allow more than 15 days after the interview, at the claimant's or beneficiary's request, for receipt of evidence which was not available at the time of the interview. One commenter said that, where the claimant or beneficiary receives less than 20 days notice of the interview, the disability examiner should allow up to 30 days after the interview for submission of

additional evidence. The claimant or beneficiary may need the additional time to get evidence.

*Response:* We believe that our procedures for notifying claimants and beneficiaries about the interview process, and the consistent emphasis in our notices and interviews on securing updated medical evidence, make it unnecessary to have a more open-ended period for securing evidence after the interview. When understood in this context, we believe that the 15-day limitation on post-interview submittal of evidence is reasonable and unlikely to impose undue hardship on any claimant or beneficiary. In addition, we will assist claimants and beneficiaries in obtaining evidence.

*Comment:* The provision in paragraph (h) of §§ 404.906 and 416.1406 of the regulations for the disability examiner to obtain additional evidence after the interview, including a consultative medical examination, should also provide for seeking evidence from the claimant's or beneficiary's treating physician.

*Response:* We agree and have revised paragraph (h) of the regulations accordingly.

*Comment:* We should not file our report to Congress on the demonstrations until after they are completed.

*Response:* Section 6 of Pub. L. 98-460 requires us to report to Congress by December 31, 1986.

*Comment:* The regulations should state the factors we will consider in evaluating the demonstrations and the types of information we require the State agencies to record, because these things are critical to the project.

*Response:* The evaluation factors are listed in this preamble. In addition, our instructions to the State agencies for recording information about the demonstrations are being given to the State agencies in a separate comprehensive manual. We do not believe it is necessary to repeat this voluminous and detailed material in the regulations.

## Regulatory Procedures

### Executive Order 12291

These final regulations have been reviewed under Executive Order 12291. They will not have an annual effect on the economy of \$100 million or more and do not meet any of the other criteria for a major regulation. Therefore, regulatory impact analysis is not required.



*Regulatory Flexibility Act*

We certify that these final regulations will not have a significant economic impact on a substantial number of small entities because the regulations will affect only individuals and States. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act, is not required.

*Paperwork Reduction Act*

The information collection requirements contained in §§ 404.906(d) and 416.1406(d) and the form SSA-311 (Acknowledgement of Offer of Interview) which will be enclosed with the pre-denial notices, have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980 and assigned OMB control number 0960-0415.

(Catalog of Federal Domestic Assistance Program Nos. 13.802—Social Security—Disability Insurance and 13.807—Supplemental Security Income.)

*List of Subjects**20 CFR Part 404*

Administrative practice and procedure, Death benefits, Disability benefits, Old-Age, Survivors, and Disability Insurance.

*20 CFR Part 416*

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Supplemental Security Income (SSI).

Dated: March 3, 1986.

Martha A. McSteen,

Acting Commissioner of Social Security.

Approved: April 8, 1986.

Otis R. Bowen,

Secretary of Health and Human Services.

Subpart J of Part 404 and Subpart N of Part 416 of 20 CFR are amended as follows:

**PART 404—[AMENDED]**

1. The authority citation for Subpart J of Part 404 is revised to read as follows:

Authority: Secs. 205 and 1102 of the Social Security Act, sec. 5 of Reorganization Plan No. 1 of 1953, sec. 6 of Pub. L. 98-460; 53 Stat. 1368, 49 Stat. 647, 98 Stat. 1802 (42 U.S.C. 405 and 1302).

2. Section 404.906 is added to read as follows:

**§ 404.906 Opportunity for personal appearance interview before initial disability denial or cessation determination—demonstration projects.**

(a) *Applicability and scope.*

Notwithstanding any other provision in this Part or Part 422, we are establishing

the procedures set out in this section for demonstration projects involving certain initial determinations about eligibility or continued eligibility for benefits based on disability. There will be two types of demonstration projects: projects involving individuals who have applied for benefits but have not received an initial determination about their eligibility, and projects involving individuals who have been receiving benefits but whose condition is being reviewed to determine whether they are still disabled. Each of the two types of projects will be conducted in at least five States. Projects may be conducted on a Statewide basis or in only part of the State. Participants will be selected randomly from among individuals who will have their initial determinations about disability made by a State agency (see §§ 404.1503 and 404.1613), excluding—

(1) Individuals who have been determined not disabled but whose cases are being reexamined under the new disability standards in accordance with Pub. L. 98-460;

(2) Beneficiaries whose condition was not expected to improve and whose continuing disability reviews result in a determination that they are still disabled without the need for any face-to-face contract with SSA or the State agency;

(3) Claimants who, after being selected to participate in a project, move to an area where the State agency is not participating in a project for claimants;

(4) Beneficiaries who, after being selected to participate in a project, move to an area where the State agency is not participating in a project for beneficiaries; and

(5) Individuals the Social Security Administration finds it would be impractical to include in the projects.

(b) *Summary of procedure.* The individuals selected to participate will be given an opportunity, before any initial determination is made that they are not disabled, for a personal appearance interview with the State agency disability examiner who, along with a State agency medical consultant, will make the disability determination. (The rest of this section will call them the decisionmaking team.) In some locations, a State agency medical consultant may participate in the interviews together with the disability examiner, although the rest of this section will refer to the interviewer(s) as the disability examiner. Medical examinations will not be conducted as part of the interview process. The reconsideration level of review will be eliminated for individuals who are given the opportunity for an interview under

the demonstration projects. Thus, for individuals who are given the opportunity for an interview, whether or not they take advantage of the opportunity, the first level of appeal from the initial determination will be a hearing before an administrative law judge. Determinations for individuals not included in the projects will be made under current usual procedures. The demonstration projects will begin as soon as practicable and will end as soon as a large enough sample of cases is completed to permit proper evaluation of the demonstration projects, but no later than December 31, 1987.

(c) *Authority and purpose.* The demonstration projects are required by section 6 of Pub. L. 98-460, the Social Security Disability Benefits Reform Act of 1984. Their purpose is to test whether a face-to-face interview with the State agency disability examiner at this stage of the decisionmaking process will result in a better evaluation of the person's condition, assure that all relevant information is obtained, and simplify and expedite the decisionmaking process. The projects are only tests of a different method of getting evidence of disability; they do not involve changes in standards used for determining whether or not a person is disabled.

(d) *Procedures for cases included in the projects.* If you are selected to participate in the projects, the State agency disability examiner will review all medical and vocational evidence in your file, including any you provided and any the State agency obtained, just as under the usual procedures. If the decisionmaking team then determines that you are disabled, you will receive a written notice of that determination as under usual procedures. But if the decisionmaking team believes the evidence in your file requires a determination that you are not disabled, they will mail a written notice to you at your last known address telling you their preliminary conclusion and why they believe that such a determination is required. The notice will also tell you that before a formal determination about your disability is made, you may have an interview with the State agency disability examiner if you request it within 30 days after the date you receive the notice. The disability examiner who interviews you may or may not be the same one who participated in the preliminary conclusion that you are not disabled. If you make a late request for an interview but show in writing that you had good cause under the standards in § 404.911 for missing the deadline, the disability examiner will extend the deadline. If you do not request an



interview, or if you requested an interview and notice of its time and place was mailed to you as provided in this paragraph (or paragraph (e)(2) of this section) but you do not appear for the interview, the decisionmaking team will make a determination as to whether you are disabled based on the evidence in your case file. A written notice of that determination will be mailed to you at your last known address. The notice will state the reasons for the determination and its effect, and will inform you of the right to a hearing before an administrative law judge. If you do request an interview within the 30-day time period (or within the extended time period if you make a late request and the disability examiner extends the time period under the good case provision as provided above), the disability examiner will mail a notice to you at your last known address informing you of the time and place of your interview. The notice will be mailed at least 20 days before the date of the interview, unless you waive (in writing) your right to the 20-day advance notice. You should not waive this right if you need time to get ready for the interview. If you do waive this right, an interview will be scheduled for you as soon as possible and a notice of the time and place of your interview will be mailed to you at your last known address. In this instance, the notice will be mailed at least 10 days before the date of the interview, unless arrangements for the interview are made by the telephone as explained in paragraph (e) of this section. (Approved under OMB control number 0960-0415)

(e) *Interviews scheduled by telephone.* Notwithstanding paragraph (d) of this section, occasionally, for the convenience of all parties involved and as a means of processing your case sooner, arrangements for the time and place of the interview may be made by telephone. If such arrangements are made and the interview is scheduled for a date not less than 5 days from the date of the telephone arrangements, a notice will be mailed to you at your last known address, confirming the time and place of the interview. If an interview is scheduled for a date less than 5 days from the date of the telephone arrangements, a notice confirming the interview will not be mailed to you. If an interview is scheduled by telephone and you do not appear for the interview, one of the following actions will be taken:

(1) If a notice of the time and place of the interview was not mailed at least 20 days before the scheduled date of the interview and you did not waive (in

writing) your right to the 20-day advance notice explained in paragraph (d) of this section, the disability examiner will automatically schedule another interview for you. A notice informing you of the time and place of the rescheduled interview will be mailed to you at your last known address. The notice will be mailed at least 20 days before the date of the interview.

(2) If a notice of the time and place of the interview was mailed to you, and you waived (in writing) your right to the 20-day advance notice explained in paragraph (d) of this section, the decisionmaking team will make a determination as to whether you are disabled based on the evidence in your case. A written notice of that determination will be mailed to you at your last known address.

(3) If a notice of the time and place of the interview was not mailed to you, and you waived (in writing) your right to the 20-day advance notice explained in paragraph (d) of this section, the disability examiner will automatically schedule another interview for you. A notice informing you of the time and place of the rescheduled interview will be mailed to you at your last known address. The notice will be mailed at least 10 days before the date of the interview.

(f) *Change in time or place of interview.* If you are unable to travel or have some other reason why you cannot attend your interview at the scheduled time or place, you should request at the earliest possible date that the time or place be changed. The disability examiner will change the time or place if there is good cause for doing so under the standards in § 404.936 (c) and (d).

(g) *Your rights.* In connection with your interview—

(1) You may request that we or the State agency assist you in obtaining pertinent evidence about your disability;

(2) You may have a representative, appointed under Subpart R of this Part, at your interview, or you may represent yourself;

(3) You or your representative may review the evidence in your case file, either on the date of your interview or at an earlier time at your request;

(4) You or your representative may present additional evidence and bring witnesses to support your case at your interview; and

(5) You, your representative, and your witnesses may be eligible for reimbursement under the State agency's rules for travel expenses incurred in connection with your interview if the distance from the person's residence or

office (whichever he or she travels from) to the interview site exceeds 75 miles.

(h) *After your interview.* At your request, the disability examiner may allow up to 15 days after your interview for receipt of evidence which was not available at the time of the interview. The disability examiner may also obtain additional evidence, including a consultative medical examination as described in § 404.1517 or a report from your treating physician, after the interview if he or she believes it is necessary for a sound determination. The decisionmaking team will then determine whether you are disabled. A written notice of the determination made in your case will be mailed to you at your last known address. The notice will state the reasons for the determination and its effect, and will inform you of the right to a hearing before an administrative law judge.

(i) *Effect of the State agency's determination for project participants.* The State agency decisionmaking team's determination is an initial determination that is binding unless—

(1) You request a hearing before an administrative law judge within the time period described in paragraph (j) of this section, and a decision is made; or

(2) The initial determination is revised as provided in § 404.987.

(j) *Appeal rights for project participants.* If you were given the opportunity for an interview (whether or not you requested or appeared for the interview) and you are dissatisfied with the initial determination, you may request a hearing before an administrative law judge. You must file your request for this hearing within 60 days after the date you receive notice of the initial determination (or within the extended time period if we extend the time as provided in § 404.933(c)). Section 404.933 explains how to request a hearing before an administrative law judge. (See §§ 404.929–404.961 for the rules concerning administrative law judge hearings.)

(Approved by the Office of Management and Budget under control number 0960-0415)

#### PART 416—[AMENDED]

3. The authority citation for Subpart N of Part 416 is revised to read as follows:

**Authority:** Sec. 1102, 1631(c), and 1633 of the Social Security Act, sec. 6 of Pub. L. 98-480; 49 Stat. 647, 86 Stat. 1475, 86 Stat. 1478, 98 Stat. 1802 (42 U.S.C. 1302, 1383, 1383b).

4. Section 416.1406 is added to read as follows:



**§ 416.1406 Opportunity for personal appearance interview before initial disability denial or cessation determination—demonstration projects**

**(a) Applicability and scope.**

Notwithstanding any other provision in this Part or Part 422, we are establishing the procedures set out in this section for demonstration projects involving certain initial determinations about eligibility or continued eligibility for benefits based on disability. (For purposes of this section, "disability" and "disabled" include blindness.) There will be two types of demonstration projects: projects involving individuals who have applied for benefits but have not received an initial determination about their eligibility, and projects involving individuals who have been receiving benefits but whose condition is being reviewed to determine whether they are still disabled. Each of the two types of projects will be conducted in at least five States. Projects may be conducted on a Statewide basis or in only part of the State. Participants will be selected randomly from among individuals who will have their initial determinations about disability made by a State agency (see §§ 416.903 and 416.1013), excluding—

(1) Individuals who have been determined not disabled but whose cases are being reexamined under the new disability standards in accordance with Pub. L. 98-460;

(2) Beneficiaries whose condition was not expected to improve and whose continuing disability reviews result in a determination that they are still disabled without the need for any face-to-face contact with SSA or the State agency;

(3) Claimants who, after being selected to participate in a project, move to an area where the State agency is not participating in a project for claimants;

(4) Beneficiaries who, after being selected to participate in a project, move to an area where the State agency is not participating in a project for beneficiaries; and

(5) Individuals the Social Security Administration finds it would be impractical to include in the projects.

**(b) Summary of procedure.** The individuals selected to participate will be given an opportunity, before any initial determination is made that they are not disabled, for a personal appearance interview with the State agency disability examiner who, along with a State agency medical consultant, will make the disability determination. (The rest of this section will call them the decisionmaking team.) In some locations, a State agency medical consultant may participate in the

interviews together with the disability examiner, although the rest of this section will refer to the interviewer(s) as the disability examiner. Medical examinations will not be conducted as part of the interview process. The reconsideration level of review will be eliminated for individuals who are given the opportunity for an interview under the demonstration projects. Thus, for individuals who are given the opportunity for an interview, whether or not they take advantage of the opportunity, the first level of appeal from the initial determination will be a hearing before an administrative law judge. Determinations for individuals not included in the projects will be made under current usual procedures. The demonstration projects will begin as soon as practicable and will end as soon as a large enough sample of cases is completed to permit proper evaluation of the demonstration projects, but no later than December 31, 1987.

**(c) Authority and purpose.** The demonstration projects are required by section 6 of Pub. L. 98-460, the Social Security Disability Benefits Reform Act of 1984. Their purpose is to test whether a face-to-face interview with the State agency disability examiner at this stage of the decisionmaking process will result in a better evaluation of the person's condition, assure that all relevant information is obtained, and simplify and expedite the decisionmaking process. The projects are only tests of a different method of getting evidence of disability; they do not involve changes in standards used for determining whether or not a person is disabled.

**(d) Procedures for cases included in the projects.** If you are selected to participate in the projects, the State agency disability examiner will review all medical and vocational evidence in your file, including any you provided and any the State agency obtained, just as under the usual procedures. If the decisionmaking team then determines that you are disabled, you will receive a written notice of that determination as under usual procedures. But if the decisionmaking team believes the evidence in your file requires a determination that you are not disabled, they will mail a written notice to you at your last known address telling you their preliminary conclusion and why they believe that such a determination is required. The notice will also tell you that before a formal determination about your disability is made, you may have an interview with the State agency disability examiner if you request it within 30 days after the date you receive the notice. The disability examiner who interviews you may or may not be the

same one who participated in the preliminary conclusion that you are not disabled. If the make a late request for an interview but show in writing that you have good cause under the standards in § 416.1411 for missing the deadline, the disability examiner will extend the deadline. If you do not request an interview, or if you requested an interview and notice of its time and place was mailed to you as provided in this paragraph (or paragraph (e)(2) of this section) but you do not appear for the interview, the decisionmaking team will make a determination as to whether you are disabled based on the evidence in your case file. A written notice of that determination will be mailed to you at your last known address. The notice will state the reasons for the determination and its effect, and will inform you of the right to a hearing before an administrative law judge. If you do request an interview within the 30-day time period (or within the extended time period if you make a late request and the disability examiner extends the time period under the good cause provision as provided above), the disability examiner will mail a notice to you at your last known address informing you of the time and place of your interview. The notice will be mailed at least 20 days before the date of the interview, unless you waive (in writing) your right to the 20-day advance notice. You should not waive this right if you need time to get ready for the interview. If you do waive this right, an interview will be scheduled for you as soon as possible and a notice of the time and place of your interview will be mailed to you at your last known address. In this instance, the notice will be mailed at least 10 days before the date of the interview, unless arrangements for the interview are made by the telephone as explained in paragraph (e) of this section. (Approved under OMB control number 0960-0415)

**(e) Interviews scheduled by telephone.** Notwithstanding paragraph (d) of this section, occasionally, for the convenience of all parties involved and as a means of processing your case sooner, arrangements for the time and place of the interview may be made by telephone. If such arrangements are made and the interview is scheduled for a date not less than 5 days from the date of the telephone arrangements, a notice will be mailed to you at your last known address, confirming the time and place of the interview. If an interview is scheduled for a date less than 5 days from the date of the telephone arrangements, a notice confirming the interview will not be mailed to you. If an



interview is scheduled by telephone and you do not appear for the interview, one of the following actions will be taken:

(1) If a notice of the time and place of the interview was not mailed at least 20 days before the scheduled date of the interview and you did not waive (in writing) your right to the 20-day advance notice explained in paragraph (d) of this section, the disability examiner will automatically schedule another interview for you. A notice informing you of the time and place of the rescheduled interview will be mailed to you at your last known address. The notice will be mailed at least 20 days before the date of the interview.

(2) If a notice of the time and place of the interview was mailed to you, and you waived (in writing) your right to the 20-day advance notice explained in paragraph (d) of this section, the decisionmaking team will make a determination as to whether you are disabled based on the evidence in your case file. A written notice of that determination will be mailed to you at your last known address.

(3) If a notice of the time and place of the interview was not mailed to you, and you waived (in writing) your right to the 20-day advance notice explained in paragraph (d) of this section, the disability examiner will automatically schedule another interview for you. A notice informing you of the time and place of the rescheduled interview will be mailed to you at your last known address. The notice will be mailed at least 10 days before the date of the interview.

(f) *Change in time or place of interview.* If you are unable to travel or have some other reason why you cannot attend your interview at the scheduled time or place, you should request at the earliest possible date that the time or place be changed. The disability examiner will change the time or place if there is good cause for doing so under the standards in § 416.1436 (c) and (d).

(g) *Your rights.* In connection with your interview—

(1) You may request that we or the State agency assist you in obtaining pertinent evidence about your disability;

(2) You may have a representative, appointed under Subpart O of this Part, at your interview, or you may represent yourself;

(3) You or your representative may review the evidence in your case file, either on the date of your interview or at an earlier time at your request;

(4) You or your representative may present additional evidence and bring

witnesses to support your case at your interview; and

(5) You, your representative, and your witnesses may be eligible for reimbursement under the State agency's rules for travel expenses incurred in connection with your interview if the distance from the person's residence or office (whichever he or she travels from) to the interview site exceeds 75 miles.

(h) *After your interview.* At your request, the disability examiner may allow up to 15 days after your interview for receipt of evidence which was not available at the time of the interview. The disability examiner may also obtain additional evidence, including a consultative medical examination as described in § 416.917 or a report from your treating physician, after the interview if he or she believes it is necessary for a sound determination. The decisionmaking team will then determine whether you are disabled. A written notice of the determination made in your case will be mailed to you at your last known address. The notice will state the reasons for the determination and its effect, and will inform you of the right to a hearing before an administrative law judge.

(i) *Effect of the State agency's determination for project participants.* The State agency decisionmaking team's determination is an initial determination that is binding unless—

(1) You request a hearing before an administrative law judge within the time period described in paragraph (j) of this section, and a decision is made; or

(2) The initial determination is revised as provided in § 416.1487.

(j) *Appeal rights for project participants.* If you were given the opportunity for an interview (whether or not you requested or appeared for the interview) and you are dissatisfied with the initial determination, you may request a hearing before an administrative law judge. You must file your request for this hearing within 60 days after the date you receive notice of the initial determination (or within the extended time period if we extend the time as provided in § 416.1433(c)). Section 416.1433 explains how to request a hearing before an administrative law judge. (See §§ 416.1429–416.1461 for the rules concerning administrative law judge hearings.)

(Approved by the Office of Management and Budget under control number 0960-0415) [FR Doc. 86-9151 Filed 4-23-86; 8:45 am]

BILLING CODE 4190-11-M

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### 21 CFR Part 1308

#### Schedules of Controlled Substances; Extension of Temporary Placement of 3-Methylfentanyl into Schedule I

**AGENCY:** Drug enforcement Administration, Justice.

**ACTION:** Final rule.

**SUMMARY:** This final rule is issued by the Administrator of the Drug Enforcement Administration (DEA) to extend the temporary scheduling of the narcotic substance, 3-methylfentanyl in Schedule I of the Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.*). The temporary scheduling of 3-methylfentanyl was due to expire on April 25, 1986. This notice will extend the time period for six months or until 3-methylfentanyl is placed in Schedule I pursuant to the scheduling procedure outlined in 21 U.S.C. 811(a), whichever occurs first.

**EFFECTIVE DATE:** April 25, 1986.

**FOR FURTHER INFORMATION CONTACT:** Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, D.C. 20537. Telephone: (202) 633-1366.

#### SUPPLEMENTARY INFORMATION:

##### List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

On March 25, 1985, the Administrator of the Drug Enforcement Administration issued a final rule in the **Federal Register** amending § 1308.11(g) to temporarily place 3-methylfentanyl into Schedule I of the Controlled Substances Act pursuant to the emergency scheduling provisions of 21 U.S.C. 811(h). This action which became effective on April 25, 1985 was based on a finding by the Administrator that the emergency scheduling of 3-methylfentanyl was necessary to avoid an imminent hazard to the public safety. Section 201(h)(2) of the CSA (21 U.S.C. 811(h)(2)) provides that the emergency scheduling of a substance expires at the end of one year from the effective date of the order. However, if a rulemaking proceeding to schedule the substance has been initiated pursuant to section 201(a)(1) of the CSA (21 U.S.C. 811(a)(1)), the temporary scheduling may be extended for up to six months. Under this provision, the temporary scheduling of 3-methylfentanyl which is due to expire on April 25, 1986, will be



extended until October 25, 1986, or until the date on which a final rule, published as a result of the formal rulemaking proceeding, is effective; whichever occurs first.

Pursuant to 21 U.S.C. 811(h)(2) and since proceedings have been initiated in accordance with 21 U.S.C. 811(a)(1) to schedule 3-methylfentanyl, the Administrator hereby orders that the temporary scheduling of 3-methylfentanyl be extended to October 25, 1986 or until the conclusion of the rulemaking proceeding, whichever occurs first.

Pursuant to Title 5, United States Code, section 605(b), the Administrator certifies that the extended scheduling of 3-methylfentanyl in Schedule I of the Controlled Substances Act will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96-354). The substance, 3-methylfentanyl, has no legitimate use or manufacturer in the United States.

It has been determined that the extension of the temporary placement of 3-methylfentanyl in Schedule I of the CSA under the emergency scheduling provision is a statutory exception to the requirements of Executive Order 12291 (46 FR 13193).

Dated: April 21, 1986.

John C. Lawn,  
Administrator, Drug Enforcement  
Administration.

[FR Doc. 86-9125 Filed 4-23-86; 8:45 am]

BILLING CODE 4410-09-M

## 28 CFR Part 16

[AAG/A Order No. 7-86]

### Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

**SUMMARY:** On December 17, 1985, the Department of Justice, Criminal Division, issued proposed regulations to exempt certain portions of a new system of records entitled "Office of Special Investigations Displaced Persons Listings, JUSTICE/CRM-027" from subsection (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). The exemption is required because access to these records could inform the subject of the identity of witnesses and informants. Thus, the release of such information could present a serious impediment to effective law enforcement by endangering the

physical safety of witnesses or informants; by leading to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony; or by otherwise preventing the successful completion of an investigation.

**DATE:** This rule will be effective on or before April 24, 1986.

**ADDRESS:** J. Michael Clark, Assistant Director, General Services Staff, Justice Management Division, Department of Justice, Room 9002, 601 D Street, NW., Washington, D.C. 20530.

#### FOR FURTHER INFORMATION CONTACT:

J. Michael Clark, 272-6474.

**SUPPLEMENTAL INFORMATION:** The proposed rule with invitation to comment was published in the *Federal Register* on December 17, 1985 (50 FR 51410). The public was given 30 days to comment; however, no comments were received.

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, it is hereby stated that the order will not have "a significant economic impact on a substantial number of small entities."

#### List of Subjects in 28 CFR Part 16

Administrative Practice and Procedure; Courts; Freedom of Information; Privacy; and Sunshine Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78 28 CFR 16.91 is amend to adding paragraphs (s) and (t) as set forth below.

Dated: March 19, 1986.

W. Lawrence Wallace,  
Assistant Attorney General for  
Administration.

1. The authority for Part 16 continues to read as follows:

Authority: 28 U.S.C. 509, 510; 5 U.S.C. 301, 552, 552a; 31 U.S.C. 483a unless otherwise noted.

2. 28 CFR 16.91 is amended by adding paragraphs (s) and (t).

#### § 16.91 Exemption of Criminal Division Systems—Limited Access, as indicated.

(s) The following system of records is exempted from 5 U.S.C. 552a(d).

Office of Special Investigations Displaced Persons Listings (JUSTICE/CRM-027).

This exemption applies to the extent that the records in this system are subject to exemption pursuant to 5 U.S.C. 552a(k)(2).

(t) Exemption from subsection (d) is justified for the following reasons:

(1) Access to records contained in this system could inform the subject of the identity of witnesses or informants. The release of such information could present a serious impediment to effective law enforcement by endangering the physical safety of witnesses or informants; by leading to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony; or by otherwise preventing the successful completion of an investigation.

[FR Doc. 86-9166 Filed 4-23-86; 8:45 am]

BILLING CODE 4410-01-M

## 28 CFR Part 16

[AAG/A Order No. 6-86]

### Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

**SUMMARY:** On January 9, 1986 (51 FR 986), the Department of Justice published notice that it would modify the proposed regulations published on April 7, 1983 (48 FR 15160), to amend Title 28 of the Code of Federal Regulations, Part 16, Subpart E, "Exemption of Records Systems Under the Privacy Act." The January 9, regulations were published to: (1) Clarify that the Department's Freedom of Information Act and Privacy Act (FOIA/PA) systems would be exempt only to the extent that they contain law enforcement- or investigative-type information and (2) remove exemptions and other proposed changes which had been offered to achieve clarity and consistency with reorganizations but which, for administrative reasons, had to be withdrawn or republished as a separate proposed rule.

**SUPPLEMENTARY INFORMATION:** A section by section explanation of proposals throughout Part 16 was provided under "Supplementary Information" in the April 7 regulations. These proposals remain unchanged except that, pursuant to oral comments received from the Office of Management and Budget, those sections relating to exemption of the Department's FOIA/PA systems have been further revised as indicated above. Further, for administrative reasons, the proposal to revise §§ 16.71 and 16.88 and to add § 16.72, has been withdrawn and published as a separate proposed rule;



in addition, the proposal to change § 16.92 has been withdrawn.

One public comment was received. The commentator incorrectly assumed that the U.S. Parole Commission was claiming new exemptions under § 16.85. As was explained in the initial proposal on April 7, 1983 (and referenced on January 9, 1986), the U.S. Parole Commission made minor changes to § 16.85 by changing system number identifiers and by adding specificity to the statutory authority, i.e., by changing "5 U.S.C. 552a(j)" to "5 U.S.C. 552a(j)(2)."

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, it is hereby stated that the order will not have "a significant economic impact on a substantial number of small entities."

#### List of Subjects in 28 CFR Part 16

Administrative Practice and Procedure, Courts, Freedom of Information, Privacy, and Sunshine Act. **DATE:** This rule will be effective April 24, 1986.

**ADDRESS:** Assistant Director, General Services Staff, Justice Management Division, Department of Justice, Room 9002, 601 D Street NW, Washington, DC 20530.

#### FOR FURTHER INFORMATION CONTACT:

J. Michael Clark, (202) 272-6474.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78, Title 28 of the Code of Federal Regulations, Part 16, Subpart E, is amended as set forth below.

Dated: April 4, 1986.

W. Lawrence Wallace,  
Assistant Attorney General for  
Administration.

1. The authority for Part 16 continues to read as follows:

**Authority:** 28 U.S.C. 509, 510; 5 U.S.C. 301, 552, 552a; 31 U.S.C. 483a unless otherwise noted.

#### § 16.73 [Redesignated]

1a. Section 16.73 is redesignated as § 16.74.

2. Section 16.76 is amended by revising the undesignated paragraphs following (a)(1) and (c)(1); by revising paragraph (b); by adding a sentence to the end of paragraph (d)(1); by removing paragraph (g)(1) and redesignating paragraph (g)(2) as (g)(1); and by adding paragraph (h).

#### § 16.76 Exemption of Justice Management Division Systems.

(a) \* \* \*

(1) \* \* \*

This exemption applies only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

(b) Exemption from subsection (d) is justified for the following reasons:

(1) Pub. L. 91-513 (Controlled Substances Act), Sec. 404(b) states that the nonpublic record "shall be retained by the Department of Justice solely for the purpose of use by the courts in determining whether or not, in subsequent proceedings, such person qualifies under this subsection."

(2) Information in this system consists of arrest records, including those of co-defendants. The records include reports of informants and investigations. Therefore, access could disclose investigative techniques, reveal the identity of confidential sources, and invade the privacy of third parties.

(c) \* \* \*

(1) \* \* \*

This exemption applies only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2) and (k)(5).

(d) Exemption from subsection (d) is justified for the following reason:

(1) \* \* \* Access may also reveal information relating to actual or potential criminal investigations.

\* \* \*

(h) Consistent with the legislative purpose of the Privacy Act of 1974, the Justice Management Division will grant access to non-exempt material in FOIA/PA records. Exemptions will apply only to the extent that other correspondence or internal memoranda retained with the request file contain investigatory material for law enforcement purposes.

3. Section 16.81 is amended by revising paragraphs (a), (b)(11), (d), and (e).

#### § 16.81 Exemption of United States Attorneys Systems—Limited Access.

(a) The following systems of records are exempt from 5 U.S.C. 552a(c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e) (5) and (8), (f), and (g):

(1) Citizen Complaint Files (JUSTICE/USA-003).

(2) Civil Case Files (JUSTICE/USA-005).

(3) Consumer Complaints (JUSTICE/USA-006).

(4) Criminal Case Files (JUSTICE/USA-007).

(5) Kline-District of Columbia and Maryland-Stock and Land Fraud Interrelationship Filing System (JUSTICE/USA-009).

(6) Major Crimes Division Investigative Files (JUSTICE/USA-010).

(7) Prosecutor's Management Information System (PROMIS) (JUSTICE/USA-011).

(8) United States Attorney, District of Columbia Superior Court Division, Criminal Files (JUSTICE/USA-013).

(9) Pre-trial Diversion Program Files (JUSTICE/USA-014).

These exemptions apply to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(j)(2), (k)(1) and (k)(2).

(b) \* \* \*

(11) From subsection (g) because these systems of records are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

\* \* \*

(d) The following system of records is exempt from 5 U.S.C. 552a(c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e) (5) and (8), (f), and (g):

(1) Freedom of Information Act/Privacy Act Files (JUSTICE/USA-008)

These exemptions apply to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2), (k)(1) and (k)(2).

(e) Because this system contains Department of Justice civil and criminal law enforcement, investigatory records, exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation and/or civil case or matter under investigation, in litigation, or under regulatory or administrative review or action to obtain valuable information concerning the nature of that investigation, case or matter, and present a serious impediment to law enforcement or civil legal activities.

(2) From subsection (c)(4) because an exemption is being claimed for subsection (d) of the Act (Access to Records), rendering this subsection inapplicable to the extent that this system of records is exempted from subsection (d).

(3) From subsection (d) because access to the records contained in these systems would inform the subject of a criminal or civil investigation, matter or case of the existence of such, and provide the subject with information that might enable him to avoid detection, apprehension or legal obligations, and present a serious impediment to law enforcement and other civil remedies. Amendment of the records would interfere with ongoing criminal law enforcement proceedings and impose an impossible



administrative burden by requiring criminal investigations to be continuously reinvestigated.

(4) From subsection (e)(1) because in the course of criminal investigations and/or civil investigations, cases or matters, the United States Attorneys often obtain information concerning the violation of laws or civil obligations other than those relating to an active case or matter. In the interests of effective law enforcement and civil litigation, it is necessary that the United States Attorneys retain this information since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought within the United States Attorneys' offices.

(5) From subsection (e)(2) because to collect information to the greatest extent possible from the subject individual of a criminal investigation or prosecution would present a serious impediment to law enforcement in that the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection, apprehension, or legal obligations and duties.

(6) From subsection (e)(3) because to provide individuals supplying information with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information, and endanger the life and physical safety of confidential informants.

(7) From subsections (e)(4) (G) and (H) because this system of records is exempt from the individual access provisions of subsection (d) and the rules provisions of subsection (f).

(8) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would inhibit the ability of trained investigator and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of intelligence necessary for effective law enforcement.

(9) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this

could interfere with the United States Attorneys' ability to issue subpoenas and could reveal investigative techniques and procedures.

(10) From subsection (f) because this system has been exempted from the individual access provisions of subsection (d).

(11) From subsection (g) because the records in this system are generally compiled for law enforcement purposes and are exempt from the access provisions of subsections (d) and (f), rendering subsection (g) inapplicable.

4. Section 16.85 is amended by revising paragraph (a).

**§ 16.85 Exemption of U.S. Parole Commission Systems—Limited access.**

(a) The following systems of records are exempt from 5 U.S.C. 552(c) (3) and (4), (d), (e) (2) and (3), (e)(4) (G) and (H), (e)(8), (f) and (g):

(1) Docket Scheduling and Control System (JUSTICE/PRC-001).

(2) Inmate and Supervision Files System (JUSTICE/PRC-003).

(3) Labor and Pension Case, Legal File, and General Correspondence System (JUSTICE/PRC-004).

(4) Statistical, Educational and Developmental System (JUSTICE/PRC-006).

(5) Workload Record, Decision Result, and Annual Report System (JUSTICE/PRC-007).

These exemptions apply only to the extent that information in these systems is subject to exemptions pursuant to 5 U.S.C. 552a(j)(2).

5. Section 16.90 is amended by revising paragraphs (e) and (f) as follows:

**§ 16.90 Exemption of Civil Rights Division Systems—Limited Access.**

(e) The following system of records is exempt from 5 U.S.C. 552a (c)(3), (d), and (g):

(1) Freedom of Information/Privacy Act Records (JUSTICE/CRT-010).

These exemptions apply to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

(f) Because this system contains Department of Justice civil and criminal law enforcement, investigatory records, exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the release of the disclosure accounting may enable the subject of an investigation to gain valuable information concerning the nature and scope of the investigation

and seriously hamper law enforcement efforts.

(2) From subsection (d) because access to records in this system would compromise ongoing investigations and reveal investigative techniques. In addition, certain of these records may be subject to protective orders entered by Federal courts to protect their confidentiality, and many are copies of documents which are the property of State agencies and were obtained under express or implied promises to strictly protect their confidentiality. This system also contains investigatory material compiled by the Equal Opportunity Commission pursuant to its authority under 42 U.S.C. 2000e-8. Provisions of 42 U.S.C. 2000e-5(b), 42 U.S.C. 2000e-8(e), and 44 U.S.C. 3508 make it unlawful to make public in any manner whatsoever any information obtained by the Commission pursuant to the authority. Amendment of the records would interfere with ongoing criminal law enforcement proceedings and impose an impossible administrative burden by requiring criminal investigations to be continuously reinvestigated.

(3) From subsection (g) because exemption from subsection (d) will render the provisions on suits to enforce subsection (d) inapplicable.

6. Section 16.91 is amended by revising paragraphs (q) and (r).

**§ 16.91 Exemption of Criminal Division Systems—Limited Access.**

(q) The following system of records is exempt from 5 U.S.C. 552a(c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H) and (I), (e) (5) and (8), (f), and (g):

(1) Freedom of Information/Privacy Act Records (JUSTICE/CRM-024)

These exemptions apply to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2), (k)(1) and (k)(2).

(r) Because this system contains Department of Justice civil and criminal law enforcement, investigatory records, it is exempted for the reasons set forth from the following provisions of 5 U.S.C. 552a:

(1)(c)(3). The release of the disclosure accounting would present a serious impediment to law enforcement by permitting the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to determine whether he is the subject of investigation, or to obtain valuable information concerning the nature of that investigation and the information obtained, or to identify witnesses and informants.

(2)(c)(4). Since an exemption is being claimed for subsection (d) of the Act (Access to Records), this subsection is inapplicable to



the extent that this system of records is exempted from subsection (d).

(3)(d). Access to records contained in this system would enable the subject of an investigation of an actual or potential criminal or civil case or regulatory violation to determine whether he or she is the subject of investigation, to obtain valuable information concerning the nature and scope of the investigation, and information or evidence obtained as to his/her activities, to identify witnesses and informants, or to avoid detection or apprehension. Such results could prevent the successful completion of the investigation, endanger the physical safety of witnesses or informants, lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony, and thereby present a serious impediment to effective law enforcement. Amendment of the records would interfere with ongoing criminal law enforcement proceedings and impose an impossible administrative burden by requiring criminal investigations to be continuously reinvestigated.

(4)(e)(1). In the course of criminal or other law enforcement investigations, cases, and matters, the Criminal Division will occasionally obtain information concerning actual or potential violations of law that are not strictly within its statutory or other authority, or it may compile information in the course of an investigation which may not be relevant to a specific prosecution. In the interests of effective law enforcement, it is necessary to retain such information since it can aid in establishing patterns of criminal activity and can provide valuable leads for Federal and other law enforcement agencies.

(5)(e)(2). To collect information to the greatest extent practicable from the subject individual of a criminal investigation or prosecution would present a serious impediment to law enforcement. The nature of criminal and other investigative activities is such that vital information about an individual can only be obtained from other persons who are familiar with such individual and his/her activities. In such investigations it is not feasible to rely upon information furnished by the individual concerning his own activities.

(6)(e)(3). To provide individuals supplying information with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation or reveal the identity of witnesses or confidential informants.

(7)(e)(4) (G) and (H). These subsections are inapplicable to the extent that this system is exempt from the access provisions of subsection (d) and the rules provisions of subsection (f).

(8)(e)(4)(I). The categories of sources of the records in this system have been published in the Federal Register in broad generic terms in the belief that this is all that subsection (e)(4)(I) of the Act requires. In the event, however, that this subsection should be interpreted to require more detail as to the identity of sources of the records in this system, exemption from this provision is necessary to protect the confidentiality of the

sources of criminal and other law enforcement information. Such exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(9)(e)(5). In the collection of information for criminal law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can often only be determined in a court of law. The restrictions of subsection (e)(5) would inhibit the ability of trained investigators, intelligence analysts, and government attorneys in exercising their judgment in reporting on information and investigations and impede the development of criminal or other intelligence necessary for effective law enforcement.

(10)(e)(8). The individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue warrants or subpoenas and could reveal investigative techniques, procedures, or evidence.

(11)(f). This subsection is inapplicable to the extent that this system is exempt from the access provisions of subsection (d).

(12)(g). Because some of the records in this system contain information which was compiled for law enforcement purposes and have been exempted from the access provisions of subsection (d), subsection (g) is inapplicable.

#### 7. Section 16.93 is amended by revising paragraphs (e) and (f).

#### § 1693 Exemption of Tax Division Systems—Limited Access.

(e) The following system of records is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4), (G), (e)(4)(H), (e)(4)(I), (e) (5) and (8), (f), and (g).

(1) Freedom of Information—Privacy Act Request Files (JUSTICE/TAX-004) These exemptions apply to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2) and (k)(2).

(f) Because this system contains Department of Justice civil and criminal law enforcement, investigatory records, it is exempted for the reasons set forth from the following provisions of 5 U.S.C. 552a:

(1)(c)(3). The release of the disclosure accounting would present a serious impediment to law enforcement by permitting the subject of a investigation of an actual or potential criminal, civil, or regulatory violation to determine whether he is the subject of investigation, or to obtain valuable information concerning the nature of that investigation and the information obtained, or to identify witnesses and informants.

(2)(c)(4). Since an exemption is being claimed for subsection (d) of the Act (Access

to Records), this subsection is inapplicable to the extent that this system of records is exempted from subsection (d).

(3)(d). Access to records contained in this system would inform the subject of an actual or potential criminal tax investigation of the existence of that investigation, of the nature and scope of the investigation, of the information and evidence obtained as to his or her activities, and of the identity of witnesses or informants. Such access would, accordingly, provide information that could enable the subject to avoid detection, apprehension, and prosecution. This result, therefore, would constitute a serious impediment to effective law enforcement not only because it would prevent the successful completion of the investigation but also because it could endanger the physical safety of witnesses or informants, lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony. Amendment of the records would interfere with ongoing criminal law enforcement proceedings and imposes an impossible administrative burden by requiring criminal investigations to be continuously reinvestigated.

(4)(e)(1). In the course of criminal tax and related law enforcement investigations, cases, and matters, the Tax Division will occasionally obtain information concerning actual or potential violations of law that may not be technically within its statutory or other authority, or it may compile information in the course of an investigation which may not be relevant to a specific prosecution. In the interests of effective law enforcement, it is necessary to retain some or all of such information since it can aid in establishing patterns of criminal activity and can provide valuable leads for Federal and other law enforcement agencies.

(5)(e)(2). To collect information to the greatest extent practicable from the subject individual of a criminal investigation or prosecution would present a serious impediment to law enforcement because the subject of the investigation or prosecution would be placed on notice as to the existence of the investigation and would therefore be able to avoid detection or apprehension, improperly influence witnesses, destroy evidence, or fabricate testimony.

(6)(e)(3). To provide individuals supplying information with a form which includes the information required by subsection (e)(3) would constitute a serious impediment to law enforcement, i.e., it could compromise the existence of a confidential investigation or reveal the identity of witnesses or confidential informants.

(7)(e)(4) (G) and (H). These subsections are inapplicable to the extent that this system is exempt from the access provisions of subsection (d) and the rules provisions of subsection (f).

(8)(e)(4)(I). The categories of sources of the records in this system have been published in the Federal Register in broad generic terms in the belief that this is all that subsection (e) (4) (I) of the Act requires. In the event, however, that this subsection should be interpreted to require more detail as to the identity of sources of the records in this system,



exemption from this provision is necessary to protect the confidentiality of the sources of criminal tax and related law enforcement information. Such exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(9)(e)(5). In the collection of information for criminal tax enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light. Furthermore, the accuracy of such information can often only be determined in a court of law. The restrictions of subsection (e)(5) would inhibit the ability of government attorneys in exercising their judgement in reporting on information and investigations and impede the development of criminal tax information and related data necessary for effective law enforcement.

(10)(e)(8). The individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue warrants or subpoenas and could reveal investigative techniques, procedures, or evidence.

(11)(f). This subsection is inapplicable to the extent that this system is exempt from the access provisions of subsection (d).

(12)(g). Because the records in this system are generally compiled for law enforcement purposes and are exempt from the access provisions of subsection (d), subsection (g) is inapplicable.

8. Section 16.96 is amended by revising paragraph (g).

**§ 16.96 Exemption of Federal Bureau of Investigation Systems—Limited access.**

(g) The following system of records is exempt from 5 U.S.C. 552a(c) (3) and (4), (d), (e)(1), (2) and (3), (e)(4) (G) and (H), (e)(8), (f), and (g): National Crime Information Center (NCIC) (JUSTICE/FBI-001). This exemption applies only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2) and (k)(3).

**§ 16.97 [Amended]**

9. Section 16.97, paragraph (a)(8), is amended by removing the word "Tax" and inserting the word "Tort." Further, paragraph (c), last sentence, is amended by removing the quotation marks.

10. Section 16.100 is amended by revising the section heading and the first sentence of paragraph (a)(1).

**§ 16.100 Exemption of Office of Justice Programs—Limited access.**

(a) \* \* \*

(1) The Civil Rights Investigative System (JUSTICE/OJP-008). \* \* \*

11. Section 16.103 is amended by revising the section heading and paragraph (a)(1) as follows:

**§ 16.103 Exemption of the INTERPOL-United States National Central Bureau (INTERPOL-USNCB) System.**

(a) \* \* \*

(1) The INTERPOL-United States National Central Bureau (INTERPOL-USNCB) (Department of Justice) INTERPOL-USNCB Records System (JUSTICE/INTERPOL-001). This exemption applies only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(2), and (k)(5).

[FR Doc. 86-9168 Filed 4-23-86; 8:45 am]

BILLING CODE 4410-01-M

**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

**32 CFR Part 291a**

**Privacy Program; Correction**

**AGENCY:** Defense Nuclear Agency, DOD.

**ACTION:** Correction to Final Rule.

**SUMMARY:** This is a correction to the footnote to the above final rule published at 51 FR 12312 on April 10, 1986. The footnote should read as follows:

<sup>1</sup> Copies may be obtained, if needed, from HQ, Defense Nuclear Agency, Office of General Counsel, Washington, DC 20305-1000.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

April 21, 1986.

[FR Doc. 86-9148 Filed 4-23-86; 8:45 am]

BILLING CODE 3810-01-M

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 100**

[CGD3 86-06]

**Temporary Regatta Regulation; National Sweepstakes Regatta, Redbank, NJ**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary regulation with request for comments.

**SUMMARY:** The Coast Guard is temporarily changing the effective dates for the regulation governing the annual National Sweepstakes Regatta. This powerboat race is normally held on the

third weekend in August but this year has been scheduled for July 12 and 13 because it must precede the national competition which is scheduled to take place the second or third week in August this year.

**DATES:** This temporary regulation becomes effective on July 12, 1986 and terminates on July 13, 1986. Comments on this regulation must be received on or before June 9, 1986.

**ADDRESSES:** Comments should be mailed to Commander (b), Third Coast Guard District, Governors Island, New York, NY 10004-5098. The comments will be available for inspection and copying at the Boating Safety Office, Building 110, Governors Island, New York, NY. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Lucas A. Dlhopsky, (212) 688-7974.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for this regulation. Following normal rulemaking procedures is unnecessary. The permanent regulation for this regatta (33 CFR 100.307) provides notice that the dates may be changed by publication in the *Federal Register*. In addition, the change of dates should have little or no economic impact and no adverse comments are anticipated. Although this regulation is published as a final rule without prior notice, and opportunity for public comment is nevertheless desirable to ensure that the regulation is both reasonable and workable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed under "ADDRESSES" in this preamble. Commenters should include their names and addresses, identify the docket number (CGD3 86-06) for this regulation, and give reasons for their comments. Based upon comments received, the regulation may be changed.

**Drafting Information**

The drafters of this notice are Mr. Lucas A. Dlhopsky, Project Officer, Boating Safety Office, and Ms. MaryAnn Arisman, Project Attorney, Third Coast Guard District Legal Office.

**Discussion of Regulation**

The National Sweepstakes Regatta is a powerboat race event which is held annually on the Navesink River near Redbank, NJ. The event is sponsored by the National Sweepstakes Regatta



Association of Redbank, NJ. Since this two day event is traditionally held each year in the same location, involving the same kind of racing vessels, a permanent amendment to Part 100 of Title 33, Code of Federal Regulations, § 100.307, was promulgated in 1985. As stated in that section, the effective period for this event each year was to be the third weekend (Saturday and Sunday) in August unless otherwise specified in the Third District Local Notice to Mariners and in a Federal Register Notice. Announcements in these publications would provide the public with full and adequate notice of the dates and times of this annual powerboat race. The race is sanctioned by the American Powerboat Association and is well known to the boaters and residents of the area. The 1986 running of this event will be on July 12 and 13 instead of the third weekend in August in order to select those qualified to participate in the national competition which will be held this year in Oregon on the second or third week of August. In all other respects, this event will be the same as it has been in past years. The oval race course will be approximately 1.25 miles in length. Races will be held on both days on a section of the Navesink River just east of the N.J. Route 35 Bridge. Race heats will be run both days from approximately 10:00 a.m. to 6:00 p.m. with up to 100 hydroplane powerboats participating each day. The sponsor will place several temporary buoys on the river to mark both the race course and spectator areas. There will be two race committee boats anchored within the oval course, one on each end with turn judges and press onboard. The U.S. Coast Guard will assist the sponsor and local authorities in providing a safety patrol during this event. In order to provide for the safety of life and property, the Coast Guard will restrict vessel movement and establish spectator areas prior to and during the races. Vessels desiring to transit the area will be given the opportunity to do so several times during each day in between race heats as directed by the Coast Guard Patrol Commander.

#### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

#### Temporary Regulation

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations is amended as follows:

#### PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Section 100.307(b) is revised to read as follows for the period July 12 through July 13, 1986. Because this is a temporary rule, this revision will not appear in the Code of Federal Regulations:

#### § 100.307 National Sweepstakes Regatta, Redbank, NJ.

(b) *Effective period:* This regulation will be effective from 8:00 a.m. to 6:00 p.m. on both July 12 and 13, 1986.

Dated: April 2, 1986.

P. A. Yost,  
Vice Admiral, U.S. Coast Guard Commander,  
Third Coast Guard District.

[FR Doc. 86-9204 Filed 4-23-86; 8:45 am]

BILLING CODE 4910-14-M

#### 33 CFR Part 157

[CGD 85-048 a]

#### Pollution; Tank Vessels Carrying Oil in Bulk; Coast Guard Plan Review; Change of Address for Submission of Plans for Review

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** These rules change the address for submitting vessel plans for Coast Guard review. The plan review duties previously performed by the Merchant Marine Technical Branches of the Third Coast Guard District in New York, New York, the Eighth Coast Guard District in New Orleans, Louisiana, and the Twelfth Coast Guard District in Alameda, California are being assumed by the Marine Safety Center located in Washington, DC.

**EFFECTIVE DATE:** June 1, 1986.

**FOR FURTHER INFORMATION CONTACT:** LCDR Charles E. Bills, Marine Technical and Hazardous Materials Division, (G-MTH-2/12), Room 1216, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593; (202) 426-2160.

**SUPPLEMENTARY INFORMATION:** The U.S. Coast Guard has recently completed an evaluation of its Merchant Marine Technical Branch field organization, taking into account many factors, including personnel considerations, system efficiency, and Fiscal Year 1986 staff reductions within the Commercial Vessel Safety Program. As a result, the Merchant Marine Technical Branches of the Third, Eighth, and Twelfth Coast

Guard Districts are being consolidated to improve overall plan review efficiency, quality, and consistency, and to provide a centralized site for performing oversight of Coast Guard plan review functions delegated to third parties. Consolidation will result in the establishment of a Marine Safety Center as a Headquarters unit located in the Washington, DC metropolitan area.

The Washington, DC area was chosen based on many factors, including: locating the Marine Safety Center in a favorable technical labor market; recognition that the need for regionally based Merchant Marine Technical Branches has dramatically decreased since (1) overseas commercial vessel construction activity has increased and (2) third parties, having been delegated plan review functions by the Coast Guard, are themselves regionally based; recognition of the area as an expanding naval architect/marine engineer center; and the area's excellent access to international and domestic transportation.

Accordingly, the plan review previously conducted by the Third, Eighth, and Twelfth Coast Guard Districts' Merchant Marine Technical Branches will be performed by the Marine Safety Center, effective June 1, 1986.

Shipyards, designers, and other businesses and persons who are directly affected by this action have been informed of the consolidation by letter from either the Commander, Third Coast Guard District (mmt), Commander, Eighth Coast Guard District (mmt), or Commander, Twelfth Coast Guard District (mmt), as appropriate. Notice of the consolidation was also published in the *Federal Register* of June 20, 1985 at p. 25644 (50 FR 25644).

The purpose of these rules is to provide the revised plan submittal procedure and to include the mailing address of the Marine Safety Center.

These rules have been evaluated under Executive Order 12291 and DOT Order 2100.5 and have been determined to be non-major and non-significant. These rules reflect a change in agency organization and procedure with minimal economic impact upon the public. Notice of proposed rulemaking and opportunity for public comment are not required by 5 U.S.C. 553, and these rules may be effective less than 30 days after their publication date. Since minimal economic impact is expected, a full economic evaluation has not been conducted.

In accordance with section 605(b) of



the Regulatory Flexibility Act (30 Stat. 1164), it is certified that these regulations will not have a significant economic impact on a substantial number of small entities for the reasons stated above.

#### Drafting Information

The principal persons involved in drafting this document are LCDR Charles E. Bills, Project Manager, Office of Merchant Marine Safety, and Mr. William R. Register, Project Attorney, Office of Chief Counsel.

#### List of Subjects in 33 CFR Part 157

Cargo vessels, Oil pollution, Reporting and recordkeeping requirements.

In consideration of the foregoing, Title 33, Code of Federal Regulations, is amended as follows:

#### PART 157—[AMENDED]

1. The authority citation for Part 157 is revised to read as follows and all other authority citations are removed:

Authority: Sec. 4, Pub. L. 96-478, 94 Stat. 2298 (33 U.S.C. 1903); 46 U.S.C. 3703; 49 CFR 1.46(n) and (hh).

2. In § 157.100, by revising paragraph (b) to read as follows:

#### § 157.100 Plans for U.S. tank vessels: submission.

(b) Plans under paragraph (a) of this section must be submitted to the Officer in Charge, Marine Inspection, of the zone in which the COW system is installed or to the Commanding Officer, U.S. Coast Guard Marine Safety Center, 2100 Second Street SW., Washington, DC 20593.

3. In § 157.200, by revising paragraph (b) to read as follows:

#### § 157.200 Plans for U.S. tank vessels: submission.

(b) Plans under paragraph (a) of this section must be submitted to the Officer in Charge, Marine Inspection, of the zone in which the dedicated clean ballast tank system is installed or to the Commanding Officer, U.S. Coast Guard Marine Safety Center, 2100 Second St., SW., Washington, DC 20593.

Dated: April 21, 1986.

J.W. Kime,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 86-9203 Filed 4-23-86; 8:45 am]

BILLING CODE 4910-14-M

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### 36 CFR Part 291

#### Recreation Management; Occupancy and Use of Sites and Areas of Concentrated Public Use; Withdrawal of Final Rule

AGENCY: Forest Service, USDA.

ACTION: Withdrawal of final rule.

**SUMMARY:** On March 26, 1986, at 51 FR 10382, the Department of Agriculture published a final rule to recover Federal costs associated with administration of user reservation systems on some National Forest System recreation areas and sites. The rule was to become effective on April 25 and was to be accompanied by a notice of the interim directive that was to be issued to Forest Service employees providing instructions on implementing the rule. Inadvertently, this rule document was processed and signed without the accompanying notice of implementing procedures and without the benefit of Office of Management and Budget review as required by E.O. 12291. Accordingly, the Department is withdrawing the rule at this time. The Department intends to republish the final rule along with the related notice upon completion of the review process.

**FOR FURTHER INFORMATION CONTACT:** Marian P. Connolly, Regulatory Coordinator, Forest Service, USDA, (202) 235-1488.

Dated: April 17, 1986.

Peter C. Myers,

Assistant Secretary, Natural Resources and Environment.

[FR Doc. 86-9228 Filed 4-23-86; 8:45 am]

BILLING CODE 3410-11-M

## GENERAL SERVICES ADMINISTRATION

#### 41 CFR Part 101-38

[FPMR Amendment G-78]

#### Property Management; Motor Equipment Management

##### Correction

In FR Doc. 86-7338 beginning on page 11684 of the issue of Friday, April 4, 1986, make the following corrections:

1. On page 11686, first column, § 101-38.001-19, in the next to the last line, the reference to "Standard No 293" should read "Standard No 292."

2. On page 11686, third column, § 101-38.101-3(b), on the last line, the

reference to "class III" should read "class II."

3. On page 11687, first column, § 101-38.101-3(b)(3), in the table, under the "Fiscal year" column, the year "1997" should read "1987."

4. On page 11687, middle column, § 101-38.102(a), on the 14th line, correct the word "forecast" to read "forecast."

5. On page 11689, first column, § 101-38.104-2(a)(2), on the 7th line, correct the spelling of the 2nd word to read "these."

6. On page 11689, middle column, § 101-38.104-4(a), the first word should read "Requisitions". On the 6th line, correct the word "discription" to read "description."

7. On page 11689, middle column, § 101-38.104-4(c), on the 10th line, the second word should read "for".

8. On page 11689, last column, § 101-38.104-5, on the 2nd line, correct the word "mortor" to read "motor."

9. On page 11691, first column, § 101-38.104-8(a)d., at the end of the reference to "Chrysler Motors Corporation" the words "General Motors Corporation" should appear as a separate line before "Chevrolet Motor Division."

10. On page 11692, last column, § 101-38.202-4, the code of "Justice, Department of" should read "J" instead of "L."

11. On page 11696, first column, § 101-38.700, on the 5th line, a dash should precede the word "rented."

12. On page 11696, first column, § 101-38.701(b), on the 5th line, insert the article "a" between the words "of" and "Motor."

13. On page 11696, middle column, § 101-38.702, on the 2nd line, a dash should precede the word "leased."

BILLING CODE 1505-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

#### 42 CFR Part 403

[BERC-240-F]

#### Medicare Program; Recognition of State Reimbursement Control Systems

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule.

**SUMMARY:** This final rule implements statutory requirements to set forth the conditions and procedures under which HCFA approve Medicare payment for hospital services to be made in accordance with a State hospital reimbursement control system, rather



than in accordance with Medicare reimbursement principles.

**EFFECTIVE DATE:** These regulations are effective May 27, 1986. (See section V.C. of the preamble concerning information collection requirements.)

**FOR FURTHER INFORMATION CONTACT:** Charlene Brown, (301) 597-2888.

**SUPPLEMENTARY INFORMATION:**

# I. Background

Section 1886(c) of the Social Security Act (the Act), as established by the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97-248) and as since amended by section 601(c) of the Social Security Amendments of 1983 (Pub. L. 98-21) and section 2315(a) of the Deficit Reduction Act of 1984 (Pub. L. 98-369), generally authorizes Medicare reimbursement for inpatient hospital services in accordance with a State's hospital reimbursement control system, rather than in accordance with the Medicare reimbursement principles. Under section 1886(c) of the Act, reimbursement may be made under a State system if one of three alternative sets of requirements are met.

First, under section 1886(c) of the Act, as enacted by Pub. L. 97-248, HCFA has discretion to allow Medicare hospital reimbursement to be made in accordance with a State reimbursement control system ("the State system") if the chief executive officer of the State requests approval of the State system, and if the State system meets the specific minimum requirements summarized below.

1. The State system must apply to substantially all non-federal acute care hospitals in the State.
2. The State system must apply to at least 75 percent of all inpatient revenues or expenses for the State.
3. The State must provide assurances that payors, hospital employees and patients in the State will be treated equitably under its system.
4. The State must provide assurances that its system will not result in greater Medicare expenditures over 36-month periods.

Section 601(c) of Pub. L. 98-21 amended section 1886(c)(1) of the Act to allow continuation of HCFA's discretionary authority for approval, as provided under Pub. L. 97-248, but added two additional requirements for approval of a State system as follows.

5. The State system may not preclude health maintenance organizations (HMOs) or competitive medical plans (CMPs) (as defined in section 1876(b) of the Act) from negotiating directly with hospitals concerning payment for inpatient services.

6. The State system must prohibit charging individuals for services for which the individuals are entitled to have payment made under Part A of Medicare (Hospital Insurance), as provided in section 1866(a)(1)(C) of the Act; and also prohibit, in accordance with section 1862(a)(14) of the Act, payments under Part B of Medicare (Supplementary Medical Insurance) for nonphysician services provided to inpatients, unless waived by the Secretary (procedures for which are described in the regulations at 42 CFR 489.23).

Second, section 601(c) of Pub. L. 98-21 added section 1886(c)(5) to the Act to specify six additional requirements that, if met by a State system that also meets the minimum requirements one through six as presented above, makes HCFA's approval of a request by the State for Medicare reimbursement under its system mandatory. The additional requirements are that the State system must:

7. Be operated directly by the State or an entity designated by State law;
8. Use a payment methodology to be applied prospectively;
9. Provide for hospital reports, as required by the Secretary;
10. Provide satisfactory assurances that it will not result in admission practices that will reduce treatment to uninsured, low income, high cost, or emergency patients;
11. Not materially reduce payments without 60 days notice to the Secretary and to affected hospitals; and
12. Provide satisfactory assurances that, in developing its system, the State has consulted with local officials concerning the impact on public hospitals.

Third, special provisions apply to those States that currently have demonstration projects approved by HCFA under section 402 of the Social Security Amendments of 1967 (42 U.S.C. 1395b-1) or section 222(a) of the Social Security Amendments of 1972 (42 U.S.C. 1395b-1 (note)) for the operation of State reimbursement control systems. Under section 1886(c)(4) of the Act, as added by section 601(c) of Pub. L. 98-21 and subsequently amended by section 2315(a) of Pub. L. 98-369, HCFA approval of a State's application to continue the operation of a system upon expiration of the demonstration project is mandatory if, and for so long as, the system meets the minimum requirements described in items one through six presented above.

In addition to the specific minimum requirements discussed above, a general requirement that all hospitals eligible for payment under section 1886(c) of the

Act must meet is contained in section 1866(a)(1)(F) of the Act. This latter section was added to the Act by section 602(f)(1) of Pub. L. 98-21. It requires hospitals, in order to be eligible for Medicare payment under section 1886(c) of the Act, to have and maintain agreements with Utilization and Quality Control Peer Review Organizations (PROs).

With respect to requirement number four above, section 1886(c)(6) of the Act provides that, if the Secretary determines that the assurances have not been met for any 36-month period, payments to hospitals shall be reduced under either the State system or the Medicare payment system in an amount equal to the excess over what Medicare would have paid for these services.

Under section 1886(c)(1) of the Act, a State's application for reimbursement under its system may not be denied on the basis that the system does not pay on a diagnosis related group (DRG) methodology or on the basis that the State system does not produce savings greater than what would have accrued under the Medicare payment system (either the cost reimbursement or the prospective payment system, whichever is applicable).

Section 1886(c)(1) of the Act also provides parameters regarding a State's discretion, under certain circumstances, to determine how to substantiate the assurance regarding whether the amount of payment that would otherwise have been made under Medicare will be exceeded. Under the statute, we have the discretion to determine that this comparison, of what Medicare would have paid absent the State system, may be made by maintaining payment amounts at no more than a specified percentage increase above the payment amounts in a base period. If we exercise this discretion, the State has the option of applying the comparison test on an aggregate payment basis or on the basis of the amount of payment per inpatient discharge or admission. Since we have decided not to exercise our discretionary authority regarding the acceptability of a State's assurance that payments under its system will not exceed what Medicare would otherwise have paid, absent the State system, by reference to percentage increases above a base level (except in the case of States with existing demonstration projects in effect as of April 20, 1983), we have not given States the option of determining the method of measurement to be used for purposes of this payment assurance.

Section 1886(c)(1) of the Act further provides that the State's rate of increase in payments need not be less than the



national average rate of increase if the Secretary implements the comparison test by reference to the national average percentage increase in total payments. This provision is generally not applicable, because, except where required by statute for continuation of existing demonstration projects, we will not assess a State's assurance regarding the amount of payments by reference to the national average rate of increase. As stated in the proposed regulations, we will measure a State's expenditure assurance by a comparison of actual payments under the system with what would have been paid under the Medicare system.

HCFA may, under certain conditions, permit an adjustment to take into account previous reductions in Medicare reimbursement amounts that were the result of the effectiveness of a State system prior to the State's application for Medicare participation. Specifically, section 1886(c)(2) of the Act authorizes the Secretary to permit an adjustment if, as a result of the State's already existing reimbursement control system, the State's aggregate rate of increase in hospitals' total operating costs has been less than the national aggregate rate of increase in hospitals' total operating costs.

Under section 1886(c)(4) of the Act, HCFA will judge the effectiveness of a State system that is operational under the authority of an existing Medicare demonstration project on the basis of its rate of increase or inflation in inpatient hospital payments for individuals under Medicare, as compared to the national rate of increase or inflation for such payments. The State will retain the option to have the test applied on the basis of the aggregate payment or payments per inpatient admission or discharge during its hospitals' three consecutive cost reporting periods beginning on or after October 1, 1983. After expiration of these cost reporting periods, however, this test will no longer apply. In this case, the State system will be treated in the same manner as other systems approved under these regulations.

To summarize, under section 1886(c) of the Act, HCFA has discretionary authority to approve Medicare reimbursement under a State system that meets each of the minimum requirements one through six specified above. This discretionary authority also applies if a State system meets the minimum requirements and any of the additional requirements seven through twelve. However, if a State system meets all of the requirements, HCFA approval is mandatory. Furthermore, if a

State system was established and operated under an existing Medicare demonstration project in effect as of April 20, 1983, and meets the minimum requirements of items one through six above, HCFA approval is mandatory as long as those minimum requirements continue to be met.

Applications for approval of State systems should be sent to the following address:

Office of the Administrator, HCFA, 6325 Security Boulevard, Room 700, East High Rise Bldg., Baltimore, Maryland 21207.

## II. Summary of the Proposed Rule

On May 13, 1985, we published a proposed rule (50 FR 20048) in which we proposed a new Subpart C in 42 CFR Part 403 to establish regulations governing State reimbursement control systems. The provisions of the proposed rule, the comments received and the changes we made in response to comments are discussed below.

In the proposed rule we provided that the chief executive officer of a State would be responsible for submitting an application for the approval of a State system for Medicare reimbursement and supplying the assurances and required necessary documentation. We stated that HCFA would have discretionary authority to approve a State's application if the State system meets the minimum requirements and assurances proposed in § 403.304. The State system is required to—

- Apply to substantially all non-Federal acute care hospitals. (These hospitals must have and maintain an agreement with a PRO.)
- Apply to the review of at least 75 percent of all revenues or expenses in the State for inpatient services and to 75 percent of the revenues or expenses for inpatient hospital services under Medicaid.
- Permit an HMO or CMP to negotiate the rate of payment for inpatient hospital services directly with a hospital.
- Limit hospital charges to Medicare beneficiaries to deductibles, coinsurance, and services for which the beneficiary would not be entitled to have payment made under Medicare Part A; and prohibit payment under Part B of Medicare for nonphysician services provided to hospital inpatients unless this prohibition is waived in accordance with regulations at § 489.23.
- Assure the equitable treatment of all entities that pay hospitals for inpatient hospital services, hospital employees, and hospital patients, as follows—

— Assure that all entities that pay hospitals for inpatient hospital services are treated in a uniform and substantially equal manner in that all payors have equal opportunity to participate under the system and to receive available benefits of the system.

— Assure that the risks and savings are shared equitably by all entities that participate under the system.

— Assure that the State system will not result in reduction of the services or of due process rights to which Medicare beneficiaries are otherwise entitled.

• Assure that the system will provide a means for providers to appeal errors in the calculation of payment rates.

• Assure that Medicare payments made under the system over 36-month periods will not be greater than those that would have otherwise been made applying the Medicare principles of reimbursement.

In § 403.304, we also provided that if a State had an existing Medicare demonstration project in effect on April 20, 1983, and requests approval of a system under section 1886(c)(4) of the Act, the effectiveness of the State's system may be judged on the basis of the State system's rate of increase or inflation in payments for inpatient hospital services, as compared to the national rate of increase or inflation in payment for such services, during the State's hospitals' three consecutive cost reporting periods beginning on or after October 1, 1983.

We further provided that if the assurances and supporting data pertaining to the cost-effectiveness provisions, as described above, are not fully satisfactory, the State would be allowed to provide an additional assurance in order to meet the requirement. The additional assurance would be that the State control expenditures by agreeing to do one of the following:

- The State would agree that Medicare payments under its system would be limited to the Medicare prospective payment rates. The State would be required to pay hospitals covered by its system any excess payment generated by the system.
- The State would agree to a predetermined percentage relationship between Medicare payments under the State's system and Medicare payments under the prospective payment system. This percentage relationship would be monitored by HCFA on a quarterly basis, and the monitoring results would be provided to the State. If the payments show an upward deviation from the agreed upon predetermined relationship, then Medicare payments to the State



would be automatically capped, with the State paying to hospitals under the system the excess over the prospective payment system expenditures. As an alternative to this second option, the State may provide through State legislation or binding regulations that, in accordance with its payment control assurance, reduced payments to hospitals will constitute full and final payment for services furnished to Medicare beneficiaries.

If a State system meets the minimum requirements of § 403.304, as described above, and meets the additional requirements and assurances specified in section 1886(c)(5) of the Act and in § 403.306, as described below, HCFA approval of the system would be mandatory. Section 403.306 requires that the State system—

- Be operated directly by the State or an entity designated by State law.
- Provide for a methodology (that sets forth exceptions and adjustments, if any, as well as any method for changes in the methodology) by which prospectively-determined payment rates are established.

- Provide for hospitals to make reports as required by HCFA.

- Provide that the State must notify HCFA and affected hospitals 60 days prior to enactment of reductions or increases in payments that might be generated from any material change in the system or the payment methodology. Approval would have to be granted by HCFA prior to the State's effective date for the change in payments.

In addition to the above requirements, § 403.306 also requires the State to provide satisfactory assurances to HCFA that—

- The operation of the system will not result in any change in hospital admissions practices that would result in—

- A significant reduction in the proportion of patients (receiving hospital services covered under the system) who have no third-party coverage and who are unable to pay for hospital services;

- A significant reduction in the proportion of individuals admitted to hospitals for inpatient hospital services for which payment is (or is likely to be) less than the anticipated charges for or costs of such services;

- The refusal to admit patients who would be expected to require unusually costly or prolonged treatment for reasons other than those related to the appropriateness of the care available at the hospital; or

- The refusal to provide emergency services to any person who is in need of

emergency services if the hospital provides such services.

- The State consulted with local government officials, during the development of the system, concerning the impact of the system on public hospitals.

We provided in § 403.308 that approval by HCFA of a State's application for a State reimbursement control system would be mandatory if the system was in effect prior to April 20, 1983, under the authority of a demonstration waiver (authorized under section 402(a) of the Social Security Amendments of 1967 (42 U.S.C. 1395b-1) or section 222(a) of the Social Security Amendments of 1972 (42 U.S.C. 1395b-1 (note)) and the system meets the applicable minimum requirements and assurances described in § 403.304 discussed above. It is important to note that although the statutory provisions of section 1886(c)(4) of the Act pertaining to provisions for States with existing demonstration projects do not specifically provide requirements for provider appeal systems or cost reporting, each of the existing statewide demonstration projects include these requirements and would be applicable under a waiver granted in accordance with section 1886(c)(4) of the Act.

If HCFA determines that the State system has not met or will not meet the assurances required by § 403.304, as previously discussed, with respect to any 36-month period, § 403.310 allows HCFA to reduce Medicare payments to individual hospitals being reimbursed under the State's system or, if applicable, under the Medicare payment system, in an amount equal to the amount by which the Medicare payments under the system exceed the amount of Medicare payments that these hospitals would have received absent the State system. In determining the amount of the reductions, we will apply the provisions of § 405.376 which set forth Medicare procedures regarding assessment of interest charges on overpayments to providers.

Specific recoupment procedures are described in § 403.310. This section provides that the amount of overpayment would be recouped on a proportionate basis from each of those hospitals that received payments under the State system that exceeded the payments they would have received under the Medicare system. The hospital's proportionate share would be determined by a comparison of the hospital's total overpayment to the total amount of excess payments under the State system over the aggregate payments that the Medicare system would have paid. Recoupment may be

accomplished by a hospital's direct payment to the Medicare program or by offsets against future payments to the hospital. If the expenditures test is applied by a rate-of-increase factor, the amount of excess payment will be determined by comparison of the State system's rate-of-increase to the national rate-of-increase in order to determine the amount of excess payments to be recouped from each individual hospital.

As an alternative to the recoupment procedures described above, but subject to HCFA's acceptance, the State may provide by legislation or binding regulations for a process and procedures whereby excess payments will be recouped by the Medicare program.

In § 403.314, which deals with the evaluation of State systems by HCFA, we provide that HCFA will notify a State of its determination concerning approval of a State's application for a State system within 60 days of receipt of the application. If HCFA denies a State's application, the State may submit an amended application. HCFA will notify the State of its determination regarding an amended application within 60 days of its receipt. Any State may file an amended application but only those States that believe they meet *all* the requirements of §§ 403.304 and 403.306 for mandatory approval of their system (or in the case of a State system operating under the authority of a demonstration project that was in effect on April 20, 1983, the applicable requirements of §§ 403.304 and 403.308) may request a reconsideration of a denied application under § 403.316. As provided in § 403.316, HCFA has 60 days to notify a State of the results of the reconsidered application.

If HCFA approves a State system, a written agreement will be executed between HCFA and the chief executive officer of the State. Section § 403.318 describes the minimum provisions that must be contained in this agreement.

Section 1886(c)(1)(C) of the Act requires an assurance that payments under the State's system will not exceed the amount of payment that would have been made under the Medicare reimbursement principles over 36-month periods. To substantiate this assurance that Medicare program expenditures will not exceed what Medicare would have paid over 36-month periods, § 403.320 requires the State to provide detailed and quantitative estimates, data, and reports to demonstrate the projected costs or savings for each hospital. The estimates and data are also necessary for the following reasons: (1) To provide a uniform basis to review a State's assurance irrespective of the



design of the State's system; (2) to protect the Medicare program from excessive expenditures by allowing HCFA to analyze whether it is reasonable to accept the State's assurance that its system will, as represented, not result in expenditures above the statutory requirements; and (3) to assist HCFA in determining if payments to hospitals under the State system or, if applicable, under the Medicare payment system should be reduced in an amount equal to the excess over what Medicare would have paid during the period the State system was in effect. HCFA would monitor expenditures on a quarterly basis during the period the State system is in effect for purposes of comparison with amounts that would have been paid using the Medicare payment system to determine if excess payments have been made. The projections and supporting data would be especially critical if a State system were to fail to meet the expenditure requirements during a particular year. For example, if a State system were to result in the projection of sizeable expenditures above the limit in the first year of operation, we could reasonably conclude, unless there were quantitative supportive information to the contrary, that it is not likely that the system would result in payments that would equal the Medicare expenditure over the 36-month period.

Specifically, § 403.320 requires the State to submit for each hospital participating under the State system projections for the first 12-month period covered by the assurance, in both the aggregate and on a per discharge basis, of Medicare inpatient expenditures under Medicare principles of reimbursement and parallel projections of Medicare inpatient expenditures under the State's system, and the resulting cost or savings to the Medicare program. The State would also be required to submit separate statewide projections for each year of the 36-month period, in both the aggregate and on an average weighted discharge basis, of inpatient expenditures under the State system and under the Medicare principles of reimbursement. These projections would have to include a detailed description of the methodology and assumptions used to derive the expenditure amounts under both systems. In instances where the assumptions are different under the sets of projections, the State would have to provide a detailed explanation of the reasons for the differences. At a minimum, the following separate data would be included in the projections for

the Medicare principles and for the State system.

- The State system base year and the Medicare allowable and reimbursable costs (that is, costs that represent a full accounting period and that have been fully reported and reviewed or audited, as appropriate) for each hospital that were used to develop the projections, including the amount of estimated pass-through costs (for example, capital).

- The categories of costs that are included in the State system and that are reimbursed differently under the State system than under the Medicare system.

- The number of Medicare and total base-year discharges and admissions for each hospital.

- The rate of change factor, and method of application of this factor, used to project the base-year costs over the 36-month period to which the assurance would apply.

- Any allowance for anticipated growth in the amount of services from the base year. If applicable, the allowance would have to be depicted in separate estimates for population increases or increases in rates of admissions, or both.

- Any adjustments to the projections that HCFA permits the State to take into account due to previous documented reductions in the Medicare payment amounts that are the result to the effectiveness of the State system prior to Medicare participation.

- States with Medicare demonstration projects in effect on April 20, 1983 that apply for approval under a rate-of-increase effectiveness test would also be required to submit data projecting the parallel rates-of-increase during the requisite rate-of-increase period.

- Appropriate recognition and projection of the time value of trust fund expenditures (that is, the interest the Medicare trust fund earned or would have earned) for the period the State system expenditures were either less than or exceeded the Medicare system payments.

The estimates and projections of Medicare payments as required for the assurance must take into account all of the Medicare reimbursement principles in effect at the time. This would include the HCFA market basket (a measure that is used to reflect changes in the prices of goods and services that hospitals use in producing general inpatient services, which is explained in detail in the September 1, 1983 *Federal Register* (48 FR 39764)), the rate-of-increase ceiling limits on inpatient hospital costs specified in section

1886(b) of the Act, and the Medicare prospective payment system.

With regard to a State system under a HCFA demonstration project that was in effect on April 20, 1983, HCFA is required under section 1886(c)(4) of the Act to judge the effectiveness of the system on the basis of its rate-of-increase or inflation in inpatient hospital payments for individuals under Medicare as compared to the national rate-of-increase or inflation for such payments. A State with an existing Medicare demonstration project retains the option to have the test applied on the basis of the aggregate payment or payments per inpatient admission or discharge during its hospitals' three consecutive cost reporting periods beginning on or after October 1, 1983. After the expiration of these cost reporting periods, the above test would no longer apply, and instead we would apply a test similar to that used for a new State system. States with existing demonstration projects that apply for approval of a State system covering a 36-month period that spans only part of the three consecutive cost reporting periods beginning on or after October 1, 1983 (that is, the period subject to the rate-of-increase test) must submit assurances and data relating to two different expenditure requirements. The data submitted by the State for the period subject to the rate-of-increase test must include the rate-of-increase projection for that particular period of time. For any subsequent period of time, the State must assure that payments under its system will not exceed what Medicare payments would have been absent the State system.

As further provided in § 403.320 and prior to the approval of a State system, HCFA will review the assurances and data submitted by the State. HCFA will compare the State's projections of payment amounts to HCFA data in order to determine if the State's assurance is reasonable and fully supportable. If HCFA data indicate that the State's system would result in payment amounts that would be more than that which would have been paid under the Medicare principles, the State's assurances would not be acceptable.

Section 403.320 additionally provides that States may not attain Medicare savings through shifting of costs to other payors, including the Medicaid program. HCFA would monitor this aspect in conjunction with the monitoring of expenditures under the State system. It would be inappropriate to increase Medicaid costs in order to achieve Medicare savings, since this would be



inconsistent with the intent of the existing Medicaid upper limit requirement in regulations at § 447.253, and the legislative intent of sections 1902(a)(13)(A) and 1902(a)(30) of the Act. The upper limit requirement contained in § 447.253 is based on section 1902(a)(30) of the Act and the intent of Congress in enacting section 2173 of Pub. L. 97-35 (amending section 1902(a)(13) of the Act), which was to continue the requirement that the amount paid under Medicaid cannot, in the aggregate, exceed the amount determined to be reasonable under Medicare. (See the Conference Report on Pub. L. 97-35, H.R. Rep. No. 97-208, 97th Cong., 1st Sess., 962 (1981).) The Medicaid State plan requirements (including the upper limit requirement) where not affected by either section 101 of Pub. L. 97-248 or section 601 of Pub. L. 98-21, both of which amended section 1886(c) of the Act to specify additional requirements for State systems. Therefore, § 403.320 specifies that a State system must not produce aggregate expenditures for the Medicaid program in excess of what those expenditures would have been using the Medicare payment principles as they apply to the State system.

In § 403.320, we state that HCFA will monitor on a quarterly basis expenditures under a State system as compared to what Medicare expenditures would have been if the State's system had not been in effect. If HCFA determines at any time that payments made under the State's system exceed the State projections as established by the satisfactory assurances required under § 403.304 and, if appropriate, the predetermined percentage relationship of payments described in § 403.304, HCFA may do the following:

- Conclude that payments under the State's system over a 36-month period will exceed what Medicare would have paid;
- Terminate the waiver; and
- Recoup overpayments to the affected hospitals in accordance with the procedures described in § 403.310 discussed above.

In the proposed rule, we provided that a State's system need not be limited to inpatient services. At the discretion of HCFA, a State that applies for approval of a State system for inpatient services can also seek approval to have its system cover outpatient services. For those State systems that wish to include payment for Medicare outpatient services, we require the submission of a separate application and assurances for those services, and estimates and data in further support of the State's

assurances. The estimates and data that the State would be required to submit include, but are not limited to—

- Projections for the first 12-month period covered by the assurance for each hospital, in both the aggregate and on an average cost and payment per service basis, of Medicare outpatient expenditures without the State's system being in effect (that is, using the Medicare principles);

- Appropriate recognition and projection of the time value of trust fund expenditures (that is, the interest the Medicare trust fund earned or would have earned) for the period the State system expenditures were either less than or exceeded the Medicare system payments.

- Comparable projections of Medicare outpatient expenditures under the State's system; and

- The resulting cost of savings to the Medicare program.
- In addition, the State would be required to submit separate statewide projections of the aggregate outpatient expenditures for each system for each year of the 36-month period. The State would be required to submit the methodology and assumptions used to derive the expenditure amounts under both systems. The minimum requirements regarding the assurance and supportive data would be consistent with those listed for the inpatient hospital projections as described above. The cost-effectiveness test for expenditures for outpatient services would have to be met independently of the cost-effectiveness test for expenditures for inpatient service. For ease of use and greater clarity, we have moved these requirements from § 403.320(c), as proposed, to a new § 403.321.

If HCFA finds that a State system does not continue to meet the requirements of section 1886(c) of the Act or the requirements of Subpart C of part 403 of the regulations, HCFA may terminate an approved agreement for a State system by following the procedures described in § 403.322. That section provides that HCFA will give a State reasonable notice of a proposed termination of an agreement and of the reasons for the termination at least 90 days before the effective date of the termination. All terminations will be effective on the last day of a calendar quarter. The State will have the opportunity to present evidence to refute HCFA's proposed termination of the State system. Upon final review and determination on the State's evidence, HCFA will issue a final notice of termination. A State may voluntarily terminate its agreement for a State system by notifying HCFA of its intent

to terminate at least 90 days in advance of the last day of the calendar quarter in which the State intends to terminate the agreement.

### III. Responses to Comments

We received comments on the proposed rule from 13 commenters including four States, two HMOs, two private insurance companies, and five other commenters. These comments and our responses to them are discussed below.

#### A. Section 403.304 Minimum Requirements for State Systems—Discretionary Approval

##### 1. Requirements for State systems

##### a. System must apply to 75 percent of revenues or expenses:

*Comment:* Some commenters requested further clarification of which hospitals are included and excluded for the purpose of determining compliance with this requirement. One commenter suggested that the regulations should clarify that the 75 percent revenue requirement applies to the revenues of the hospitals included in the State system and does not apply to the revenues of hospitals excluded from the State system. Another commenter expressed concern that States with a high concentration of HMOs and CMPs would be unfairly disadvantaged if the 75 percent requirement is based on all inpatient revenues or expenses in the State.

*Response:* Section 1886(c)(1)(A) of the Act clearly states that the State system must apply to the review of at least 75 percent of all revenues or expenses in the State for inpatient hospital services and to provide otherwise would be in conflict with that requirement.

*Comment:* One commenter expressed concern that our intent to require the State system to apply to all non-Federal acute care hospitals is in conflict with section 1886(c)(1)(A) of the Act, which provides that the State system will apply to substantially all non-Federal acute care hospitals in the State. This commenter suggested that a State system should only be required to apply to 75 percent of the inpatient revenues or expenses in the State or to substantially all of the non-Federal acute care hospitals.

*Response:* Section 1886(c)(1)(A) of the Act specifically requires the State system to apply to the review of at least 75 percent of all revenues or expenses in the State for inpatient hospital services. In addition, section 1886(c)(1)(A) of the Act further requires that the State system apply "to substantially all non-Federal acute care hospitals (as defined



by the Secretary) in the State".

Therefore, as provided in section 1886(c)(1)(A) of the Act the State system must meet both of these requirements. In most cases, States would have to include all non-Federal acute care hospitals in the State system in order to meet these requirements.

**b. HMOs and CMPs must be allowed to negotiate payment rates:**

**Comments:** Some commenters suggested that the regulations should distinguish between the requirement that HMOs and CMPs be allowed to negotiate payment rates, and the equitable treatment assurance, which requires that equitable opportunity be afforded all third-party payors of inpatient hospital services for the availability of discounts. These commenters suggested that the regulations need to make it clear that the specific HMO provisions override the equitable treatment assurance since the discounts afforded HMOs are not required to be available to all third-party payors. Another commenter suggested that the ability to negotiate payment rates should be extended to any payor that can present incentives similar to HMOs and CMPs.

**Response:** In enacting section 1886(c)(1)(D) of the Act, Congress specified only HMOs and CMPs (as defined in section 1876(b) of the Act) be allowed to negotiate payment rates with hospitals and did not extend that right to other payors in the system. We have revised § 403.304(c)(2)(ii) to clarify that the discounts that may be afforded to HMOs and CMPs as the result of their statutory right to negotiate payment rates independent of a State system do not have to be made available to other payors.

**c. Provider appeals:**

**Comment:** One commenter objected to our leaving to State discretion the mechanism for appeals and the determination of the type of appeals to be permitted. The commenter also objected to our not permitting providers to file administrative appeals that could lead to retroactive revisions of prospectively-determined rates. The commenter believes that HCFA should neither explicitly limit, nor permit a State to limit, the appeals mechanism for State systems or the subject matter of appeals beyond ensuring that State payments resulting from an appeal will not result in Medicare expenditures greater than those that would otherwise have been paid under the national Medicare payment system. This commenter recommended that retroactive adjustments to hospital rates should be allowed.

**Response:** As stated in the preamble of the proposed rule (50 FR 20056), since the Medicare Provider Reimbursement Review Board (PRRB) is not intended to be knowledgeable regarding various States' procedures for ratesetting, it would not be an efficient or appropriate use of resources to involve the PRRB in appeals of State actions. Because of this we are requiring that a State system provide for an appeals process that must be fully described in the State's application for approval of a State system and that the process be approved by HCFA. While the regulations allow States to determine the mechanism for appeals, we have indicated that providers must be given the opportunity to present evidence and receive redress if their payment is inaccurate as a result of errors arising from incomplete or inaccurate data.

As to the commenter's suggestion regarding retroactive payment adjustments, we believe that the allowance of retroactive payment adjustments would affect compliance with two of the State system requirements. Section 1886(c)(5)(B)(ii) of the Act requires that a State system must provide for payment of hospitals covered under the system under a methodology by which rates or amounts to be paid for hospital services during a specified period are established under the system prior to the defined rate period. Therefore, retroactive payment adjustments to prospectively-determined payment rates on the part of a State would place approval of the State system at risk because it would be questionable whether the State is using prospectively-determined payment rates. The other compliance problem is the 36-month expenditure test. By requiring that the appeal process allow only for adjustments to future rates, the State system can provide adequate assurances that the 36-month expenditure test will be met with increased accuracy. For these reasons, we believe no changes to the appeal provisions are warranted.

**2. Satisfactory Assurances**

**a. Equitable treatment:**

**Comment:** We received comments on the assurances regarding the equitable treatment of all hospital patients and employees and the equitable treatment of all entities that pay hospitals for inpatient hospital services. One commenter stated that the regulations appear to make the assurance concerning equitable treatment of hospital patients and employees a lesser priority than the assurance concerning equitable treatment of payors because the latter assurance details specific conditions. A second commenter

expressed the belief that the proposed rule failed to provide enough guidance as to the meaning of the equitable treatment of hospital patients and employees. A third commenter suggested that we define how risks and savings inherent in the system are to be shared equitably by all hospitals under the system.

**Response:** The specificity of required conditions does not indicate a determination on our part concerning the relative importance of the assurances. We intend that the regulations be specific to the extent possible in order to provide guidance to the States. For example, § 403.304(b), as proposed, provides specific requirements regarding the treatment of patients in that hospitals cannot charge a beneficiary more than what the beneficiary's liability would have been under the national Medicare system. At the same time it is our belief that, because each State system is developed independently, the imposition of more specific criteria would place unnecessary limitations on the type of system a State could devise. For that same reason, we have not defined how risks and savings are to be shared equitably.

**Comment:** One commenter suggested that the regulations should be clarified to state that the availability of discounts as required by § 403.304(c)(2)(ii) regarding equitable treatment of all payors in the system does not mean that the same discount is given to each payor but the criteria by which payor discounts are determined should be consistently applied to all payors.

**Response:** We agree with this commenter's suggestion and have clarified § 403.304(c)(2)(ii) to state that the criteria that determine discounts should be equitably and uniformly applied to all payors.

**b. 36-Month expenditure test:**

**Comment:** Several comments were received regarding the Secretary's selection of the actual payment test and the elimination of the option of the State to use the rate-of-increase computation in providing this assurance.

**Response:** Section 1886(c) of the Act clearly gives the Secretary the discretion to determine the conditions under which the 36-month expenditure assurance would be accepted and, specifically, the discretion to accept a State's assurance. We believe that an actual expenditure assurance is the most accurate comparison of a State system's payments to what payments would have been under the national Medicare system absent the State system. Therefore, we have decided not to



exercise the discretion to permit State's the option of using a rate-of-increase projection to satisfy the 36-month expenditure assurance.

*Comment:* One commenter expressed concern that the use of the actual payment test will stifle State innovation in creating State systems, which the commenter believes is contrary to congressional intent in enacting section 1886(c) of the Act.

*Response:* While it is true that section 1886(c) of the Act generally affords flexibility to States and encourages innovation in the creation of State systems, section 1886(c)(1)(C) of the Act clearly and specifically requires an assurance that Medicare expenditures under a State system will be limited to what Medicare would otherwise pay. Thus, we strongly believe that the use of an actual payment test is consistent with the intent of Congress.

*Comment:* Some commenters questioned the beginning date of the rate-of-increase expenditure test for States with an existing Medicare demonstration project in effect on October 1, 1983. These commenters suggested that, since the proposed rule was published later than originally expected by Congress, the October 1, 1983 date should be changed to October 1, 1984.

*Response:* We do not believe that we have the authority to change the October 1, 1983 date. Section 1886(c)(4) of the Act clearly specifies that the rate-of-increase expenditure test is applicable during the three cost reporting periods beginning on or after October 1, 1983. Since this part of section 1886(c) of the Act was part of the legislation that established the prospective payment system, it is our belief that Congress chose this date to coincide with the effective date of the prospective payment system and to allow States with existing demonstration projects a transition period to bring their system in line with the 36-month actual expenditure requirement of section 1886(c) of the Act.

### 3. Additional cost effectiveness assurances

*Comment:* One commenter suggested that the additional assurance for cost-effectiveness in § 403.304 should be revised to cap in the aggregate an amount that equals the State's projections rather than requiring that payments be capped in the aggregate to what Medicare would have paid absent a State system.

*Response:* We believe this commenter may have misunderstood the purpose of the additional cost-effectiveness assurance provided in § 403.304(d) of the

proposed rule. We reiterate that the additional cost effectiveness assurances are only required if a State's initial assurance and supporting data do not satisfy HCFA that the system will meet the 36-month expenditure test.

The additional cost effectiveness assurance allows the State two options to satisfy the concern that expenditures under the State system not exceed Medicare expenditures absent the State system. The State can either cap monthly expenditures to what Medicare would have paid absent the State system, or limit payments made under the system based on a predetermined percentage relationship determined by comparing the State projections and what Medicare would have paid the State absent the State system. We provided this additional cost-effectiveness assurance in order to help States to provide the assurance regarding the 36-month expenditure test. We do not believe any revisions to § 403.304(d) are necessary.

*Comment:* Several commenters were concerned about the requirement that any additional funds necessary to pay hospital for Medicare services required by a State's system must be paid to the intermediaries by the State. These commenters believe that this part of the additional cost-effectiveness assurance allows a State the option to pass legislation requiring hospitals to accept "the amount Medicare would have paid absent the State system" as full payment. These commenters further believe that hospitals would not receive funds in excess of what Medicare would have paid absent the system in months when State expenditures exceed Medicare payment amounts and would receive less than Medicare payment amounts in months where expenditures under the State system were less than national Medicare payments.

*Response:* The provisions of § 403.304(d) will only apply to States that are required to provide an additional assurance that their State systems meet the cost effectiveness test. If a State chooses the § 403.304(d)(2) procedure and payments deviate upward from the predetermined relationship, then the State system would have paid more than would otherwise have been paid by Medicare. The State, therefore, has the option of capping payments at the Medicare prospective payment system rate and paying the excess to the hospitals, or requiring by legislation or legally binding regulations, that the hospitals accept the reduced payment as payment in full. These procedures would not apply in a State system that does not deviate from the predetermined

relationship and therefore met the cost effectiveness test.

### B. Section 403.306 Additional Requirements for Mandatory Approval

*Comment:* A number of commenters questioned HCFA's authority in requiring States to obtain HCFA's approval of system changes that have the effect of materially changing payments to hospitals in light of the fact that under section 1886(c)(5)(D) of the Act, the State need only notify HCFA of these changes. Several commenters maintained that this requirement is not needed because the regulations contain restrictions regarding payments under the State system and the equitable treatment of payors. In addition, some commenters questioned the need for HCFA approval in order for a State to reduce payments under the system in order to comply with the 36-month expenditure test.

*Response:* Section 1871 of the Act authorizes the Secretary to institute regulations necessary for the efficient administration of the Medicare program. We believe that this authority is a sufficient legal basis on which to establish the additional requirement that States obtain HCFA's approval of system changes that materially increase or decrease payments. As we stated in the preamble of the proposed rule (50 FR 20056), we believe that, for purposes of accountability and adherence to the basis on which a State system is initially approved, any material changes in the system that alter expected results should be subject to approval prior to implementation. Therefore, in order to ensure that any changes a State proposes to make in its system will allow the system to continue to provide for the equitable treatment of payors, patients, employees, and hospitals and to ensure continual compliance with the 36-month expenditures test, HCFA approval of all material system changes is required.

Another reason for our requiring approval of all material system changes is that, in order for a State to operate a system authorized in accordance with section 1886(c) of the Act, the system must be approved by HCFA. Since HCFA must approve the system before it can go into effect, we firmly believe that any material change to the system as approved by HCFA would mean that the approved system is no longer in effect. Therefore, we have imposed the requirement that any material change to the system be approved by HCFA prior to its implementation.



### C. Section 403.310 Reductions in Payments

#### 1. Time value of excess payments

*Comment:* Several commenters suggested that the recognition of the time value of excess payments in the determination of the amount of excess payments is contrary to the statute. These commenters noted that section 1886(c)(6) of the Act authorizes the Secretary to reduce payments under the system in an amount equal to the amount by which State system payments exceeded the amount that would have otherwise been paid by Medicare absent the State system. These commenters believe that HCFA has no statutory authority for recouping the time value of money. Another commenter indicated that, if this provision is implemented, the saved time value of excess payments would have to be included to the State's advantage if the State saves Trust Fund money.

*Response:* It is our interpretation that the statute does give HCFA the authority to recoup the time value of money. Section 1886(c) of the Act requires that a State system's Medicare payments cannot exceed the amount that Medicare would otherwise have paid. Thus, in preparing the proposed rule we included in § 403.310 (Reductions in payments) and § 403.320 (Review and monitoring of State systems) an appropriate recognition of the time value of money. We have revised our rules to clarify that the time value of money is a factor that will be considered in our evaluation and analysis of the State's projections regarding the cost-effectiveness of the State's system and whether the State's application should be approved in determining the difference between the State system payments and what Medicare would have otherwise paid in accordance with section 1886(c)(6) of the Act, the time value of money will not be a factor. However, in the event there is an overpayment and recoupment of funds is required, interest charges will be assessed when appropriate in accordance with Medicare regulations in 405.376. We have revised § 403.310 accordingly.

#### 2. Recoupment procedures

*Comment:* Some commenters expressed concern regarding the methods that hospitals would be required to use in order to return excess payments to Medicare. These commenters believe there is a conflict between section 1886(c)(6) of the Act and the recoupment procedures described in the regulations. The

commenters note that Section 1886(c)(6) of the Act allows us to reduce payments in an amount equal to the excess payments, while our proposed regulations indicate that recoupment may be made by a hospital's direct payment to Medicare or by offsets to future payments made to the hospital. These commenters recommended that this inconsistency should be corrected so that hospitals under a State system would not be required to make lump sum payments to Medicare.

*Response:* The recoupment procedures described in the proposed rule give States and hospitals the option of repaying excess payments in a lump sum or through future rate adjustments. As a practical matter, there may be instances in which the overpayment may be too small to be recouped through future rate reductions, and we therefore believe that lump sum payments should be an option for a hospital to exercise in repaying excess payments. Since States adopted recoupment procedures must be reviewed and approved by HCFA, these procedures would have to meet a test of reasonableness.

*Comment:* One commenter questioned whether the reduction in payments that we may impose would require a reduction of payments to all hospitals included in the State system or would require that certain hospitals be singled out to bear the reduction.

*Response:* In keeping with congressional intent to allow States flexibility in designing and operating State systems, § 403.310 gives a State the option of either accepting the recoupment procedure described in that section or providing, through legislation or legally binding regulations, procedures for the recoupment of excess payments. The Federal procedure described in the proposed rule specifies that overpayments will be recouped on a proportionate basis from each of those hospitals that received payments in excess of what Medicare would have paid absent the State system. However, a State imposed procedure may require a completely different recoupment process and perhaps may even require all hospitals operating under the State system to make recoupment payments on some basis determined by the State.

*Comment:* One commenter suggested that we specify in the regulations a time frame for Medicare's recovery of overpayments.

*Response:* It is our belief that, due to the differences in the design of State systems and the flexibility afforded States, a specific time frame for the recovery of overpayments would not be appropriate at this time. However, as a

general rule, recoupment of overpayments should be completed within three years or less, as provided in regulations at § 401.607(c).

### D. Section 403.316 Reconsiderations of Denied Applications

*Comment:* One commenter remarked that HCFA's proposal to limit reconsideration of denied State system applications to those instances in which the State believes that its system meets all the requirements in §§ 403.304 and 403.306 seems unnecessarily restrictive.

*Response:* Only those State systems that meet all the requirements of §§ 403.304 and 403.306 or, in the case of a State system approved under a demonstration project in effect prior to April 20, 1983, the requirements of §§ 403.304 and 403.308, are required to be approved. Approval of State systems that meet the minimum requirements described in § 403.304, but only some of the additional requirements described in § 403.306, is discretionary. Because of this, we do not believe that reconsideration of denied applications that did not meet all of the requirements of §§ 403.304 and 403.306, or, if applicable, § 403.308 is appropriate. States meeting all the minimum requirements described in § 403.304 but only some of the requirements described in § 403.306 are entitled to submit an amendment application, but these States are not entitled to mandatory reconsideration.

### E. Section 403.320 HCFA Review and Monitoring

#### 1. Required information

*Comment:* Several commenters questioned the need for States to provide the extensive data required for use in determining what Medicare expenditures would have been absent the State system and whether HCFA data would be available to the States. Some commenters questioned the relevance of hospital-specific data in that cost-effectiveness is measured based on total Medicare payments. One commenter questioned the appropriateness of requiring States to conform to future Medicare changes and requested a clearer definition of the amount of time a State has to comply with future Medicare changes.

*Response:* We do not believe the data requirements of this section exceed the data necessary for a State and HCFA to determine whether a State system will be able to meet the 36-month expenditure test. Prior to the submission of its application for approval of a State system, the State must estimate and



analyze the expenditures expected under the State system and compare the State expenditures to what the State estimates Medicare would have paid absent the State system. Since the cost-effectiveness test is based on aggregate expenditures, a State must use hospital-specific data to determine the aggregate amount. Hospital-specific data is also needed in order that HCFA may properly evaluate a State's application for a State system. Therefore, we do not believe these data requirements impose an unnecessary burden on States, particularly since HCFA will provide to States any requested data that is available in order to assist States in developing the required projections regarding Medicare expenditures under the national Medicare program.

Determining the effect of future Medicare changes on a State system is the responsibility of the State. The State is required to assure that its system's Medicare expenditures over 36-month periods will not exceed that which Medicare would have paid absent the system, and, in order for a State to retain approval of its system under section 1886(c) of the Act, the State must determine whether changes in the State system will affect the State's ability to continue to satisfy its assurance regarding the 36-month expenditure test. If changes to the Medicare system affect a State's ability to satisfy the 36-month expenditure test, the State must react accordingly.

*Comment:* One commenter stated that HCFA should share in the risks of State system experimentation and recommended that we eliminate the quarterly monitoring requirement because, in the opinion of the commenter, that requirement is not consistent with the risks that are inherent in experimentation with alternative payment systems.

*Response:* It should be understood that State systems approved under section 1886(c) of the Act are not considered Medicare program experiments, and thus it is not appropriate, in our view, that the Medicare program share in the risks of implementing State systems. Section 1886(c) of the Act clearly specifies that State systems must comply with the 36-month cost-effectiveness test. We believe that quarterly monitoring is the most effective means to monitor the progress and expenditures of the State system in satisfying the 36-month expenditure test.

*Comment:* Several commenters requested a clarification of the adjustment that HCFA proposes to allow a State so as to account for previous reductions in the Medicare

payment amounts that resulted from the effectiveness of the State's system even though Medicare was not a part of the system. One commenter maintained that proving cost savings due to the system's effectiveness would be difficult and that HCFA has not guaranteed that a State system would be approved once proof of cost savings is provided. Another commenter recommended that the regulations should allow consideration for those prior savings that a State can establish were due to the effectiveness of the system operated as a demonstration project in which Medicare participated. One other commenter suggested that we allow any State to take into account an adjustment related to previous cost savings if the State had a hospital reimbursement control system in effect (not only States with prior demonstration projects) that resulted in a lesser aggregate rate of increase in inpatient operating costs than the national average.

*Response:* In the preamble of the proposed rule (50 FR 20053), we expressed concern as to how a State entity would establish quantitatively the "prior savings" amount. Moreover, we expressed concern as to how the savings realized by Medicare in some prior period would be substantiated and invite specific comments on the operation of this provision. We acknowledge that proving cost savings due to a system's effectiveness will be difficult for States. However, we included this provision in the regulations to allow those States that did indeed operate a State system in which Medicare was not a participant, but which did result in substantiated savings to the Medicare program, the opportunity to request credit for these savings. We have not guaranteed that a State system would be granted credit for prior cost savings once proof is provided since the allowance of this adjustment is discretionary as indicated in section 1886(c)(2) of the Act. The legislative history of section 1886(c)(2) of the Act indicates that the Secretary may allow this optional adjustment relating to previous savings resulting from a State system only if the State had a system in effect in which Medicare was not a participant and only if the system resulted in Medicare paying hospitals less for services furnished to Medicare beneficiaries due to the overall effectiveness of the system. (See H.R. Conf. Rep. 97-760, 97th Cong., 2nd Sess., 422 (1982)). A more liberal interpretation of this requirement would not be consistent with congressional intent. While we may choose to take into account adjustments relating to previous savings under the system if a State can

substantiate the savings, this adjustment will be available to a limited number of States since only a few States had State systems in effect.

*Comment:* One commenter expressed concern regarding the requirement in § 403.320(b)(5) that, on a case-by-case basis, HCFA may require additional data and documentation as needed to complete its review and monitoring of the system. This commenter suggested that the meaning of "case" should be clearly specified to ensure that patient and provider confidentiality rights are not violated.

*Response:* We believe that this section of the regulations, when read in its entirety, clearly refers to a State system as a whole in discussing the additional data and documentation needed on a case-by-case basis and, in this context, cannot be read as permitting the abridgement of patient and provider rights.

## 2. Outpatient services

*Comment:* Several commenters questioned our authority to require separate applications for approval of inpatient and outpatient systems. The commenters expressed the belief that the applications should not be separated since the objective of an inpatient prospective payment system is to reduce unnecessary utilization for those services that can be more efficiently performed in an outpatient setting. One commenter questioned the requirement that an outpatient waiver must meet all the requirements of §§ 403.304 and 403.306 in order to be approved. This commenter maintained that several of the requirements of §§ 403.304 and 403.306 (for example, admission assurance and prospectively-determined payment rates) do not even apply to outpatient services. Another commenter stated that while submission of an application for approval of an outpatient system should remain optional, HCFA should consider and approve applications for inpatient and outpatient systems submitted by a State in tandem because the interaction of the two systems may be crucial to meet projected savings levels while improving or maintaining beneficiary access to care.

*Response:* We believe that section 1871 of the Act gives us the authority to consider a waiver for outpatient services in conjunction with section 1886(c) of the Act. We also believe it appropriate to require separate applications. The separation of inpatient and outpatient waiver applications is proper given the legislative history and



overall purpose of section 1886 of the Act.

We conclude that section 1886 of the Act, which is entitled "Payment to Hospitals for Inpatient Hospital Services", was intended to relate only to inpatient services. In addition the provisions of section 1886(c) of the Act and its legislative history demonstrate, in our view, that Congress meant to require the continuation of State demonstration projects only to the extent that they relate to inpatient care. While separate applications are required, we agree that they should be reviewed in tandem. Nonetheless, each system must separately meet the 36-month expenditure (cost-effectiveness) test.

Offsetting excess outpatient costs against projected inpatient savings or vice versa would be a tenuous proposition, in our view, because such an offset would merely be based on projections. Given the uncertainty of projections, it would be imprudent to approve a State system that is designed to generate excess costs in one sector that are hoped to be offset by savings in another sector. There is a much greater assurance that the overall outcome of no excess costs will be achieved if neither the outpatient nor inpatient portion of a system is designed to result in excess costs. Therefore, we believe that from the point of view of prudent management of the Medicare trust funds, the requirement for separate cost-effectiveness tests for inpatient and outpatient reimbursement control systems is clearly the better approach, particularly so because an outpatient system is always optional and approval is discretionary.

We also note that the proposed regulations did not require an outpatient system application to meet all the criteria required of an inpatient system application. The application for an outpatient system must meet the requirements of § 403.304 (b) and (c) and § 403.306 (b)(1) and (b)(2)(ii) as these requirements apply to outpatient services and reimbursement.

### 3. Medicaid Upper Limit

*Comment:* One commenter requested a clearer definition of the Medicare principles with which Medicaid payments are to be compared. Another commenter questioned our authority to limit Medicaid payments under State systems.

*Response:* Section 1886(c) of the Act allows HCFA to waive Medicare reimbursement principles. This section does not provide authority for the waiver of Medicaid reimbursement regulations. Consequently, States that

obtain approval of a system under section 1886(c) of the Act must comply with the Medicaid regulations contained in 42 CFR Part 447 Subpart C. Section 447.253(b)(2) requires States to give HCFA an assurance that payments for Medicaid services are not expected to exceed in the aggregate the amount that the State reasonably estimates would be paid under Medicare principles. Therefore, we believe that the reference to the Medicaid upper limit in § 403.320 of these regulations is proper and we intend it to signify that, despite the requirement that Medicaid reimbursement for hospital services be determined under a State system, the Medicaid State plan requirements are not waived. As a practical matter, since the State system principles themselves become the Medicare principles, the State's assurance regarding the Medicaid upper limit should be relatively straightforward.

### 4. Medicare Expenditure Monitoring

*Comment:* Some commenters were confused regarding the difference between the actual expenditure monitoring once the application is approved and the 36-month projections that a State is required to submit with the application. One commenter interpreted that the quarterly monitoring would be done in isolation each quarter and would not take into account the entire 36-month experience. This commenter stated that changes in hospital and beneficiary behavior should be accounted for in the quarterly monitoring. Another commenter expressed belief that the quarterly amounts should take into account shifts from inpatient services due to the use of less costly outpatient services.

*Response:* Section 403.320 states that if at anytime HCFA determines that the payments made under the State system have, as of that date, exceeded the State's projections, HCFA will conclude that payments under the State system over a 36-month period will exceed what Medicare would have paid absent the system. If HCFA reaches this conclusion, it will then terminate the waiver and recoup overpayments. This position clearly demonstrates HCFA's intent to review the quarterly monitoring in conjunction with the State's projections submitted with the State's application, and not in isolation. Since the monitoring will be accomplished using a bill-by-bill comparison, hospital and beneficiary behavior changes and shifts from inpatient services due to the use of less costly outpatient services do not need to be accounted for separately because they would be accounted for in

the bill-by-bill comparison and cumulative analysis of bills.

## IV. Impact Analysis

### A. Executive Order 12291

Executive Order 12291 requires us to prepare and make available to the public a regulatory impact analysis for any regulations likely to have an annual effect on the economy of \$100 million or more, cause a major increase in costs or prices, or meet other threshold criteria specified in section 1(b) of the Order. We have determined that these final regulations do not meet the criteria for a "major rule" under section 1(b). Therefore, a regulatory impact analysis is not required.

We expect that State systems for Medicare reimbursement, particularly in conjunction with the implementation of the prospective payment system for Medicare inpatient hospital services under Pub. L. 98-21, will have a significant economic effect. However, the extent of this impact will depend on the choices made by States concerning whether to utilize a State system; whether to bring any such system under the Medicare program in accordance with these final regulations; and on the behavioral changes of providers in responding to whatever systems are developed by States.

The types of economic effects that can be expected are discussed in some detail in the impact analysis for the regulations establishing the Medicare prospective payment system (48 FR 39804-39807, 39852, September 1, 1983, and 49 FR 301, January 3, 1984). One of the effects expected of this final rule, however, is to increase the number of hospitals that do not participate in the national Medicare hospital prospective payment system, because they will be subject to State systems.

Because the law and these final regulations are designed to permit the establishment of systems using incentives and controls that would restrain increases in the cost of hospital care, and because the statute requires that the amount of Medicare payments, over 36-month periods, made under a State system not exceed the amount of payments that would otherwise have been made applying the Medicare reimbursement principles, we expect that State systems may produce some Medicare program savings. To the extent that State systems result in State Medicaid savings, we also expect concomitant savings in Federal financial participation payments. In addition, State controls may result in reductions in expenditures for other payors, such as



non-governmental insurers and private parties. The effects could be very wide-ranging, extending to diverse factors such as insurance premium levels, copayment obligations, bad debt levels, and hospital bond ratings.

Because of the number of economic factors involved, the range and extent of potential effects, and the contingency of those effects on future and unpredictable actions on the parts of States, providers, insurers, and consumers, the effects on savings or costs are inestimable. Moreover, the effects are primarily the result of statutory changes made by section 101 of Pub. L. 97-248, section 601 of Pub. L. 98-21, and section 2315(a) of Pub. L. 98-369. The administrative discretion exercised through these final regulations is minor compared to the impact of the statute and decisions made by States that will affect their hospitals. Based on our experience, we do not believe that, in the near term, these final rules will result in an annual economic impact of \$100 million, or otherwise meet the threshold criteria for a "major rule". Therefore, a regulatory impact analysis is not required.

#### B. Regulatory Flexibility Act

Consistent with the Regulatory Flexibility Act, we prepare and make available to the public an initial regulatory flexibility analysis unless the Secretary certifies that these regulations will not have a significant impact on a substantial number of small entities. The purpose of the analysis would be to explain the expected impact of these final regulations and to analyze alternatives that might reduce negative effects of regulations on small entities. (A small entity is a small business, a nonprofit enterprise, or a government jurisdiction with a population of less than 50,000.)

Nearly all hospitals are small entities under the Regulatory Flexibility Act. In any State implementing a system under these final regulations, a substantial number of hospitals (non-Federal, acute care hospitals) would be affected. Many of those hospitals may be significantly affected. However, the impact of State systems must be considered in view of the implementation of the prospective payment system for Medicare inpatient hospital services under Pub. L. 98-21. The Medicare prospective payment system and State systems have mutually exclusive impacts, in that they are explicitly established as alternatives and will not both affect any particular hospital at the same time. The effects of State systems are inestimable before the characteristics of such systems are known in detail, so the effects on

hospitals cannot be analyzed at this time. Furthermore, any effects would be primarily the result of the implementation of the statutory requirements of Pub. L. 97-248, Pub. L. 98-21, and Pub. L. 98-369, as noted earlier, and not the result of these final regulations. Therefore, we have determined and the Secretary certifies, under 5 U.S.C. 605(b), as enacted by the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), that these final regulations will not have a significant impact on a substantial number of small entities.

#### C. Reporting and Recordkeeping Requirements

Sections 403.304, 403.306, 403.312, 403.316, 403.318, 403.320 and 403.322 of this final rule contain information collection requirements that are subject to the Office of Management and Budget review under the authority of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3511). A notice will be published in the *Federal Register* when approval is obtained. An individual or organization wishing to submit comments on the information collection requirements should direct them to the Desk Officer for HCFA at the following address: Office of Information and Regulatory Affairs, OMB New Executive Office Building (Room 3208), Washington, DC 20503. Attention: Fay Iudicello.

#### List of Subjects in 42 CFR Part 403

Health insurance, Intergovernmental relations, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 403 is amended as set forth below:

#### PART 403—SPECIAL PROGRAMS AND PROJECTS

A new Subpart C consisting of §§ 403.300 through 403.322, is added to read as follows:

##### Subpart C—Recognition of State Reimbursement Control Systems

- Sec.
- 403.300 Basis and purpose.
  - 403.302 Definitions.
  - 403.304 Minimum requirements for State systems—Discretionary approval.
  - 403.306 Additional requirements for State systems—Mandatory approval.
  - 403.308 State systems under demonstration projects—Mandatory approval.
  - 403.310 Reductions in payments.
  - 403.312 Submittal of application.
  - 403.314 Evaluation of State systems.
  - 403.316 Reconsideration of certain denied applications.
  - 403.318 Approval of State systems.
  - 403.320 HCFA review and monitoring of State systems.

- Sec.
- 403.321 State systems for hospital outpatient services.
  - 403.322 Termination of agreements for Medicare recognition of State systems.

Authority: Secs. 1102, 1862(a)(14), 1866(a)(1)(F), 1871 and 1886(c) of the Social Security Act (42 U.S.C. 1302, 1395y(a)(14), 1395cc(a)(1)(F), 1395hh and 1395ww(c)).

#### Subpart C—Recognition of State Reimbursement Control Systems

##### § 403.300 Basis and purpose.

(a) *Basis.* This subpart implements section 1886(c) of the Act, which authorizes payment for Medicare inpatient hospital services in accordance with a State's reimbursement control system rather than under the Medicare reimbursement principles as described in HCFA's regulations and instructions.

(b) *Purpose.* Contained in this subpart are—

(1) The basic requirements that a State reimbursement control system must meet in order to be approved by HCFA;

(2) A description of HCFA's review and evaluation procedures; and

(3) The conditions that apply if the system is approved.

##### § 403.302 Definitions.

For purposes of this subpart—"Chief executive officer of a State" means the Governor of the State or the Governor's designee.

"Existing demonstration project" refers to demonstration projects approved by HCFA under the authority of section 402(a) of the Social Security Amendments of 1967 (42 U.S.C. 1395b-1) or section 222(a) of the Social Security Amendments of 1972 (42 U.S.C. 1395b-1 (note)) and in effect on April 20, 1983 (the date of the enactment of Pub. L. 98-21 (Social Security Amendments of 1983)).

"Federal hospital" means a hospital that is administered by, or that is under exclusive contract with, the Department of Defense, the Veterans Administration, or the Indian Health Service.

"State system" or "system" refers to a State reimbursement control system that is approved by HCFA under the authority of section 1886(c) of the Act and that satisfies the requirements described in this subpart.

##### § 403.304 Minimum requirements for State systems—Discretionary approval.

(a) *Discretionary approval by HCFA.* HCFA may approve Medicare payments under a State system, if HCFA determines that the system meets the



requirements in paragraphs (b) and (c) of this section and, if applicable paragraph (d) of this section.

(b) *Requirements for State system.* (1) An application for approval of the system must be submitted to HCFA by the Chief Executive Officer of the State.

(2) The State system must apply to substantially all non-Federal acute care hospitals in the State.

(3) All hospitals covered by the system must have and maintain a utilization and quality control review agreement with a Peer Review Organization, as required under section 1866(a)(1)(F) of the Act and § 466.78(a) of this chapter.

(4) Federal hospitals must be excluded from the State system.

(5) Nonacute care or specialty hospital (such as rehabilitation, psychiatric, or children's hospitals) may, at the option of the State, be excluded from the State system.

(6) The State system must apply to at least 75 percent of all revenues or expenses—

(i) For inpatient hospital services in the State; and

(ii) For inpatient hospital services under the State's Medicaid plan.

(7) Under the system, HMOs and competitive medical plans (CMPs), as defined by section 1876(b) of the Act and Part 417 of this chapter, must be allowed to negotiate payment rates with hospitals.

(8) The system must limit hospital charges for Medicare beneficiaries to deductibles, coinsurance or non-covered services.

(9) Unless a waiver is granted by HCFA under § 489.23 of this chapter, the system must prohibit payment, as required under section 1862(a)(14) of the Act and § 405.310(m) of this chapter, for nonphysician services provided to hospital inpatients under Part B of Medicare.

(10) The system must require hospitals to submit Medicare cost reports or approved reports in lieu of Medicare cost reports as required.

(11) The system must require—

(i) Preparation, collection, or retention by the State of reports (such as financial, administrative, or statistical reports) that may be necessary, as determined by HCFA, to review and monitor the State's assurances; and

(ii) Submission of the reports to HCFA upon request.

(12) The system must provide hospitals an opportunity to appeal errors that they believe have been made in the determination of their payment rates. The system, if it is prospective may not permit providers to file administrative appeals that would result

in a retroactive revision of prospectively determined payment rates.

(c) *Satisfactory assurances.* The State must provide to HCFA satisfactory assurance as to the following:

(1) The system provides for equitable treatment of hospital patients and hospital employees.

(2) The system provides for equitable treatment of all entities that pay hospitals for inpatient hospital services, including Federal and State programs. Under the requirement, the following conditions must be met:

(i) Both the Medicare and Medicaid programs must participate under the system.

(ii) The State must assure equitable and uniform treatment under the system of third-party payors of inpatient hospital services in terms of opportunity. Equitable opportunity must include, but need not be limited to, participation in the system and availability of discounts. Criteria under which discounts are made available must be equitably and uniformly applied to all payors, except for discounts negotiated by HMOs and CMPs.

Discounts available to HMOs and CMPs as result of their statutory right to negotiate payment rates independently of a State system, as described in paragraph (b)(7) of this section, need not be available to other payors.

(iii) The State must assure that all third-party payors that participate under the system share in the system's risks and benefits.

(3) The amount of Medicare payments made under the system over 36-month periods may not exceed the amount of Medicare payment that would otherwise have been made under the Medicare principles of reimbursement for Medicare items and services had the State system not been in effect. States must submit the assurance and supporting data as required by § 403.320 to document that the payment limit is not exceeded. States that have an existing Medicare demonstration project in effect on April 20, 1983, and that have requested approval of a State system under section 1886(c)(4) of the Act, may elect to have the effectiveness of the State system under this paragraph judged on the basis of the State system's rate of increase or inflation in Medicare inpatient hospital payments as compared to the national rate of increase or inflation for such payments during the three cost reporting periods of the hospitals in the State beginning on or after October 1, 1983.

(d) *Additional cost-effectiveness assurance.* If the assurances and supporting data required under paragraph (c)(3) of this section are

insufficient to provide assurance satisfactory to HCFA regarding the cost-effectiveness of a State system, the State may additionally submit one of the following assurances in order to meet the cost-effectiveness test:

(1) *State responsibility for excess payments.* The State must agree that each month Medicare intermediaries will disburse to the State's hospital Federal funds that in the aggregate equal no more than would have been disbursed in the absence of the State system. Any additional funds necessary to pay hospitals for Medicare services required by the State system will be paid to the intermediaries by the State. These additional amounts will be refunded to the State by the intermediaries to the extent that, in subsequent months, the State system requires a smaller aggregate payment for Medicare services than would have been paid in the absence of the State system.

(2) *Limitations on payments.*

(i) The State must agree that if its projections exceed what Medicare would pay in any particular period, the State and HCFA will establish and agreed upon payment schedule that will limit payments under the State system based on a predetermined percentage relationship between projected State payments and what payments would have been under Medicare.

(ii) If deviation from the predetermined relationship described in paragraph (d)(2)(i) of this section occurs, the State must further agree that—

(A) Medicare payments would be capped automatically at payment levels based on the rates used for the Medicare prospective payment system and the State would be required to pay the difference to individual hospitals in its system; or

(B) The State may provide by legislation or legally binding regulations that any reduced payments to hospitals under the system that result from this cost-effectiveness assurance will constitute full and final payment for hospital services furnished to Medicare beneficiaries for the period covered by these reduced payments.

#### § 403.306 Additional requirements for State systems—Mandatory approval.

(a) *General policy.*—(1) *Mandatory approval.* HCFA will approve an application for Medicare reimbursement under a State system if the system meets all of the requirements of § 403.304 and of paragraph (b) of this section.

(2) *Exception.* HCFA may approve an application if the State system meets all of the requirements of § 403.304 but only



some of the requirements of paragraph (b) of this section.

(b) *Additional requirements.*—(1) *Operation of system.* The system must—

(i) Be operated directly by the State or by entity designated under State law;

(ii) Provide for payments to hospitals using a methodology under which—

(A) Prospectively determined payment rates are established; and

(B) Exceptions, adjustments, and methods for changes in methodology are set forth;

(iii) Provide that a change by the State in the system that has the effect of materially changing payments to hospitals can take effect only upon 60 days notice to HCFA and to the hospitals likely to be materially affected by the change and upon HCFA's approval of the change.

(2) *Satisfactory assurances.*—(i) *Admissions practice.* The State must assure that the operation of the system will not result in any change in hospital admission practices that result in—

(A) A significant reduction in the proportion of patients receiving hospital services covered under the system who have no third-party coverage and who are unable to pay for hospital services;

(B) A significant reduction in the proportion of individuals admitted to hospitals for inpatient hospital services for which payment is less, or is likely to be less, than the anticipated charges for or cost of the services;

(C) A refusal to admit patients who would be expected to require unusually costly or prolonged treatment for reasons other than those related to the appropriateness of the care available at the hospital; or

(D) A refusal to provide emergency services to any person who is in need of emergency services, if the hospital provides the services.

(ii) *Consultation with local government officials.* The State must provide documentation that it has consulted with local government officials concerning the impact of the system on publicly owned or operated hospitals.

#### **§ 403.308 State systems under demonstration projects—Mandatory approval.**

HCFA will approve an application from a State for a State system if—

(a) The system was in effect prior to April 20, 1983 under an existing demonstration project; and

(b) The minimum requirements and assurances for approval of a State system are met under § 403.304 (b)(1)–(10) and § 403.304(c), and, if appropriate § 403.304(d).

#### **§ 403.310 Reduction in payments.**

(a) *General rule.* If HCFA determines that the satisfactory assurances required of a State under § 403.304(c) and, if applicable, § 403.304(d) have not been met, or will not be met, with respect to any 36-month period, HCFA will reduce Medicare payments to individual hospitals being reimbursed under the State's system or, if applicable, under the Medicare payment system, in an amount equal to the amount by which the Medicare payments under the system exceed the amount of Medicare payments to such hospitals that otherwise would have been made not using the State system. The amount of the recoupment will include, when appropriate, interest charges computed in accordance with § 405.376 of this chapter.

(b) *Recoupment procedures.* The amount of the overpayment will be recouped on a proportionate basis from each of those hospitals that received payments under the State system that exceeded the payments they would have received under the Medicare payment system. Each hospital's share of the aggregate excess payment will be determined on the basis of a comparison of the hospital's proportionate share of the aggregate payment received under the State system that is in excess of what the aggregate payment would have been under the Medicare payment system. Recoupments may be accomplished by a hospital's direct payment to the Medicare program or by offsets to future payments made to the hospital.

(c) *Alternative recoupment procedures.* As an alternative to the recoupment procedures described in paragraph (b) of this section and subject to HCFA's acceptance, the State may provide, by legislation or legally binding regulations, procedures for the recoupment of the amount of payments that exceed the amount of payments that otherwise would have been paid by Medicare if the State system had not been in effect.

(d) *Rule for existing Medicare demonstration projects.* In cases of existing Medicare demonstration projects where the expenditure test is to be applied by a rate of increase factor, the amount of the excess payment will be determined, for the three hospital cost reporting periods beginning before October 1, 1986, by a comparison of the State system's rate of increase to the national rate of increase. Recoupment of excessive payments will be assessed and recouped as described in this section.

#### **§ 403.312 Submittal of application.**

The Chief Executive Officer of the State is responsible for—

(a) Submittal of the application to HCFA for approval; and

(b) Supplying the assurances and necessary documentation as required under §§ 403.304–403.308.

#### **§ 403.314 Evaluation of State systems.**

HCFA will evaluate all State applications for approval of State systems and notify the State of its determination within 60 days.

#### **§ 403.316 Reconsideration of certain denied applications.**

(a) *Request for reconsideration.* If HCFA denies an application for a State system, the State may request that HCFA reconsider the denial if the State believes that its system meets all of the requirements for mandatory approval under §§ 403.304 and 403.306 or, in the case of a State with a system operating under an existing demonstration project, the applicable requirements of §§ 403.304 and 403.308.

(b) *Time limit.* (1) The State must submit its request for reconsideration within 60 days after the date of HCFA's notice that the application was denied.

(2) HCFA will notify the State of the results of its reconsideration within 60 days after it receives the request for reconsideration.

#### **§ 403.318 Approval of State systems.**

(a) *Approval agreement.* If HCFA approves a State system, a written agreement will be executed between HCFA and the Chief Executive Officer of the State. The agreement must incorporate any terms of the State's application for approval of the system as agreed to by the parties and, as a minimum, must contain provisions that require the following:

(1) The system is operated directly by the State or an entity designated by State law.

(2) For purposes of the Medicare program, the State's system applies only to Medicare payments for inpatient, and if applicable, outpatient hospital services.

(3) The system conforms to applicable Medicare law and regulations other than those relating to the amount of reimbursement for inpatient hospital services, or for inpatient and outpatient services, whichever the State system covers. Applicable regulations include, for example, those describing Medicare benefits and entitlement requirements for program beneficiaries, as explained in Parts 408 and 409 of this chapter; the requirements at Part 405, Subpart J of



this chapter specifying conditions of participation for hospitals; the requirements at Part 405, Subparts A, G, and S of this chapter on Medicare program administration; and all applicable fraud and abuse regulations contained in titles 42 and 45 of the CFR.

(4) The State must obtain HCFA's approval of the State's reporting forms and of provider cost reporting forms or other forms that have not been approved by HCFA but that are necessary for the collection of required information.

(b) *Effective date.* An approved State system may not be effective earlier than the date of the approval agreement, which may not be retroactive.

#### § 403.320 HCFA review and monitoring of State systems.

(a) *General rule.* The State must submit an assurance and detailed and quantitative studies of provider cost and financial data and projections to support the effectiveness of its system, as required by paragraphs (b) and (c) of this section.

(b) *Required information.* (1) Under § 403.304(c)(3) an assurance is required that the system will not result in greater payments over a 36-month period than would have otherwise been made under Medicare not using such system. If a State that has an existing demonstration project in effect on April 20, 1983 elects under § 403.304(c)(3) to have the effectiveness of its system judged on the basis of a rate of increase factor, the State must submit an assurance that its rate of increase or inflation in inpatient hospital payments does not exceed, for that portion of the 36-month period that is subject to this test, the national rate of increase or inflation in Medicare inpatient hospital payments. The election of the rate of increase test applies only to the three cost reporting periods beginning on or after October 1, 1983. At the end of these cost reporting periods, the State must assure, beginning with the first month after the expiration of the third cost reporting period beginning after October 1, 1983, that payments under its system will not exceed over the remainder of the 36-month period what Medicare payments would have been.

(2) Estimates and data are required to support the State's assurance, required under § 403.304(c)(3), that expenditures under the State system will not exceed what Medicare would have paid over a 36-month period. The estimates and projections of what Medicare would have otherwise paid must take into account all the Medicare reimbursement principles in effect at the time and, for any period in which payments either exceed or are less than Medicare levels,

the values of interest the Medicare Trust Fund earned, or would have earned, on these amounts. Upon application for approval, the State must submit projections for each hospital for the first 12-month period covered by the assurance, in both the aggregate and on a per discharge basis, of Medicare inpatient expenditures under Medicare principles of reimbursement and parallel projections of Medicare inpatient expenditures under the State's system and the resulting cost or savings to Medicare. The State must also submit separate statewide projections for each year of the 36-month period, in both the aggregate and on a weighted average discharge basis, of inpatient expenditures under the State system and under the Medicare principles of reimbursement.

(3) The projection submitted under paragraph (b)(2) of this section must include a detailed description of the methodology and assumptions used to derive the expenditure amounts under both systems. In instances where the assumptions are different under the projections cited in paragraph (b)(2) of this section, the State must provide a detailed explanation of the reasons for the differences. At a minimum, the following separate data and assumptions are to be included in the projections for the Medicare principles and for the State's system.

(i) The State system base year and the Medicare allowable and reimbursable cost of each hospital that the State used to develop the projections, including the amount of estimated pass through costs.

(ii) The categories of costs that are included in the State system and are reimbursed differently under the State system than under the Medicare system.

(iii) The number of Medicare and total base year discharges and admissions for each hospital.

(iv) The rate of change factor (and the method of application of this factor) used to project the base year costs over the 36-month period to which the assurance would apply.

(v) Any allowance for anticipated growth in the amount of services from the base year (if applicable, the allowance must be presented in separate estimates for population increases or for increases in rates of admissions or both).

(vi) Any adjustment in which the State is permitted by HCFA to take into account previous reductions in the Medicare payment amounts that were the result of the effectiveness of the State's system even though Medicare was not a part of that system.

(vii) Appropriate recognition and projection of the time value of trust fund

expenditures for the period the State system expenditures were either less than or exceeded the Medicare system payments.

(viii) States applying under a rate of increase effectiveness test under § 403.304(c)(3) must also submit data projecting the parallel rates of increase during the requisite period.

(4) The projections must include both the aggregate payments and the payments per discharge for the individual hospitals and for the State as a whole.

(5) On a case-by-case basis, HCFA may require additional data and documentation as needed to complete its review and monitoring.

(6) For existing Medicare demonstration projects in effect on April 20, 1983, the assurance and data as required by paragraphs (a) and (b) of this section, if appropriate, may be based on aggregate payments or payments per inpatient admission or discharge. HCFA will judge the effectiveness of these systems on the basis of the rate of increase or inflation in Medicare inpatient hospital payments compared to the national rate of increase or inflation for such payments during the State's hospitals' three cost reporting periods beginning on or after October 1, 1983. The data submitted by the State for the period subject to the rate of increase test must include the rate of increase projection for that particular period of time. For the subsequent period of time, the State must assure that payments under its system will not exceed what Medicare payments would have been, as described in § 403.304(c)(3).

(7) If the amount of Medicare payments under the State system exceeds what would have been paid under the Medicare reimbursement principles in any given year, the State must also submit quantitative evidence that the system will result in expenditures that do not exceed what Medicare expenditures would have been over the 36 month period beginning with the first month that the State system is operating. For a State that has an existing demonstration project in effect on April 20, 1983, and that elects under § 403.304(c)(3) to have a rate of increase test apply, if the State's rate of increase or inflation exceeds the national rate of increase or inflation in a given year, the State must submit quantitative evidence that, over 36 months, its payments will not exceed the national rate of increase or inflation. Furthermore, if payments under the State's system must be compared to actual Medicare expenditures, at the end of the third cost



reporting period, as described in paragraph (b)(1) of this section, and payments under the State's system exceed what Medicare would have paid in a given year, the State must submit quantitative evidence that, over 36 months, payments under its system will not exceed what Medicare would have paid.

(c) *Review of assurances regarding expenditures.* HCFA will review the State's assurances and data submitted under this section, as a prerequisite to the approval of the State's system. HCFA will compare the State's projections of payment amounts to HCFA data in order to determine if the State's assurance is reasonable and fully supportable. If the HCFA data indicate that the State's system would result in payment amounts that would be more than that which would have been paid under the Medicare principles, the State's assurances would not be acceptable. For States applying in accordance with § 403.308, if HCFA data indicate that the State's system would result in a rate of increase or inflation that would be more than the national rate of increase or inflation, the State's assurances would not be acceptable.

(d) *Medicaid upper limit.* In accordance with § 447.253 of this chapter, the State system may not result in aggregate payments for Medicaid inpatient hospital services that would exceed the amount that would have otherwise have been paid under the Medicare principles as applied through the State system.

(e) *Monitoring of Medicare expenditures.* HCFA will monitor on a quarterly basis expenditures under the State's system as compared to what Medicare expenditures would have been if the system had not been in effect. If HCFA determines at any time that the payments made under the State's system exceed the States' projections, as established by the satisfactory assurances required under § 403.304(c) and, if appropriate, the predetermined percentage relationship of the payments as required under § 403.304(d), HCFA will—

(1) Conclude that payments under the State system over a 36-month period will exceed what Medicare would have paid;

(2) Terminate the waiver; and

(3) Recoup overpayments to the affected hospitals in accordance with the procedures described in § 403.310.

#### § 403.321 State systems for hospital outpatient services.

HCFA may approve a State's application for approval of an outpatient

system if the following conditions are met:

(1) The State's inpatient system is approved.

(2) The State's outpatient application meets the requirements and assurances for an inpatient system described in § 403.304 (b) and (c), and § 403.306 (b)(1) and (b)(2)(ii).

(3) The State submits a separate application that provides separate assurances and estimates and data in further support of its assurance submitted under paragraph (b)(1) of § 403.320, as follows:

(i) Upon application for approval, the State must submit estimates and data that include, but are not limited to, projections for the first 12-month period covered by the assurance for each hospital, in both the aggregate and on an average cost per service and payment basis, of Medicare outpatient expenditures under Medicare principles of reimbursement; parallel projections of Medicare outpatient expenditures under the State system; and the resulting cost or savings to Medicare independent of the State system for hospital inpatient services.

(ii) The State must submit separate statewide projections for each year of the 36-month period of the aggregate outpatient expenditures for each system. The projections submitted under this paragraph must—

(A) Comply with the requirements of paragraphs (b) (3) and (5) of § 403.320 regarding a detailed description of the methodology used to derive the expenditure amounts;

(B) Include the data and assumptions set forth in paragraphs (b)(3) (i), (ii), (iii), (iv), and (v) of § 403.320; and

(C) Include any assumption the State has adopted for establishing the number of Medicare and total base year outpatient services for each hospital.

(iii) The State must provide a detailed explanation of the reasons for any difference between the data or assumptions used for the separate projections.

#### § 403.322 Termination of agreements for Medicare recognition of State systems.

(a) *Termination of agreements.* (1) HCFA may terminate any approved agreement if it finds, after the procedures described in this paragraph are followed that the State system does not satisfactorily meet the requirements of section 1886(c) of the Act or the regulations in this subpart. A termination must be effective on the last day of a calendar quarter.

(2) HCFA will give the State reasonable notice of the proposed termination of an agreement and of the

reasons for the termination at least 90 days before the effective date of the termination.

(3) HCFA will give the State the opportunity to present evidence to refute the finding.

(4) HCFA will issue a final notice of termination upon a final review and determination on the State's evidence.

(b) *Termination by State.* A State may voluntarily terminate a State system by giving HCFA notice of its intent to terminate. A termination must be effective on the last day of a calendar quarter. The State must notify HCFA of its intent to terminate at least 90 days before the effective date of the termination.

(Catalog of Domestic Assistance Program No. 13.773 Medicare—Hospital Insurance)

Dated: September 25, 1985.

C. McClain Haddow,

Acting Administrator, Health Care Financing Administration.

Approved: February 11, 1986.

Otis R. Bowen,

Secretary.

[FR Doc. 86-9150 Filed 4-23-86; 8:45 am]

BILLING CODE 4120-01-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

46 CFR Parts 25, 35, 78, 97, 108, 160, 167, and 196

[CGD 78-174A]

### Boating Safety; Commercial Hybrid PFD Carriage Requirements

AGENCY: Coast Guard, DOT.

ACTION: Final rules; Correction.

**SUMMARY:** In the Federal Register of February 4, 1986, the Coast Guard published final rules establishing hybrid personal flotation device (PFD) carriage requirements. This document corrects editorial errors in those final rules.

**FOR FURTHER INFORMATION CONTACT:** Mr. Samuel Wehr, Office of Merchant Marine Safety, (202) 426-1444.

**SUPPLEMENTARY INFORMATION:** The final rules of February 4, 1986, were published beginning at p. 4349 of the Federal Register (51 FR 4349). The correction follows below.

### Correction

In FR Doc. 86-2285 beginning on page 4349 in the issue of Tuesday, February 4, 1986, make the following corrections:

1. On page 4350, in the first column under the heading REGULATIONS strike "In consideration of the foregoing,



the Coast Guard proposes to amend Title 46 of the Code of Federal Regulations as follows:" and insert the following:

In consideration of the foregoing, Title 46 of the Code of Federal Regulations is amended as follows:

**§ 35.03-25 [Corrected]**

2. On page 4350, second column, in § 35.03-25(a) strike "PDF's" and insert "PFD's".

3. On page 4350, second column, in § 35.03-25(a)(1) strike "time" and insert "them".

J.W. Kime,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

April 21, 1986.

[FR Doc. 86-9200 Filed 4-23-86; 8:45 am]

BILLING CODE 4910-14-M

46 CFR Parts 50, 71, 91, 107, 110, 170, and 189

[CGD 85-048b]

**Coast Guard Plan Review; Change of Address for Submission of Plans**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** These rules change the address for submitting vessel plans for Coast Guard review. The plan review duties previously performed by the Merchant Marine Technical Branches of the Third Coast Guard District in New York, New York, the Eighth Coast Guard District in New Orleans, Louisiana, and the Twelfth Coast Guard District in Alameda, California are being assumed by the Marine Safety Center located in Washington, DC.

**EFFECTIVE DATE:** June 1, 1986.

**FOR FURTHER INFORMATION CONTACT:** LCDR Charles E. Bills, Marine Technical and Hazardous Materials Division, (G-MTH-2/12), Room 1216, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593; (202) 426-2160.

**SUPPLEMENTARY INFORMATION:** The U.S. Coast Guard has recently completed an evaluation of its Merchant Marine Technical Branch field organization, taking into account many factors, including personnel considerations, system efficiency, and Fiscal Year 1986 staff reductions within the Commercial Vessel Safety Program. As a result, the Merchant Marine Technical Branches of the Third, Eighth, and Twelfth Coast Guard Districts are being consolidated to improve overall plan review efficiency, quality, and consistency, and to provide a centralized site for

performing oversight of Coast Guard plan review functions delegated to third parties. Consolidation will result in the establishment of a Marine Safety Center as a Headquarters unit located in the Washington DC metropolitan area.

The Washington, DC area was chosen based on many factors, including: Locating the Marine Safety Center in a favorable technical labor market; recognition that the need for regionally based Merchant Marine Technical Branches has dramatically decreased since (1) overseas commercial vessel construction activity has increased and (2) third parties, having been delegated plan review functions by the Coast Guard, are themselves regionally based; recognition of the area as an expanding naval architect-marine engineer center; and the area's excellent access to international and domestic transportation.

Accordingly, the plan review previously conducted by the Third, Eighth, and Twelfth Coast Guard Districts' Merchant Marine Technical Branches will be performed by the Marine Safety Center, effective June 1, 1986.

Shipyards, designers, and other businesses and persons who are directly affected by this action have been informed of the consolidation by letter from either the Commander, Third Coast Guard District (mmt), Commander, Eighth Coast Guard District (mmt), or Commander, Twelfth Coast Guard District (mmt), as appropriate. Notice of the consolidation was also published in the *Federal Register* of June 20, 1985 at p 25644 (50 FR 25644).

The purpose of these rules is to provide the revised plan submittal procedure and to include the mailing address of the Marine Safety Center.

These rules have been evaluated under Executive Order 12291 and DOT Order 2100.5 and have been determined to be non-major and non-significant. These rules reflect a change in agency organization and procedure with minimal economic impact upon the public. Notice of proposed rulemaking and opportunity for public comment are not required by 5 U.S.C. 553, and these rules may be effective less than 30 days after their publication date. Since minimal economic impact is expected, a full economic evaluation has not been conducted.

In accordance with Section 605(b) of the Regulatory Flexibility Act (30 Stat. 1164), it is certified that these regulations will not have a significant economic impact on a substantial number of small entities for the reasons stated above.

**Drafting Information**

The principal persons involved in drafting this document are LCDR Charles E. Bills, Project Manager, Office of Merchant Marine Safety, and Mr. William R. Register, Project Attorney, Office of Chief Counsel.

**List of Subjects in 46 CFR Parts 50, 71, 91, 107, 110, 170, and 189**

Marine safety, Vessels, Organization and functions (Government agencies).

In consideration of the foregoing, Title 46, Code of Federal Regulations, is amended as follows:

**PART 50—GENERAL PROVISIONS**

1. The authority citation for Part 50 is revised to read as follows and all other authority citations are removed:

Authority: 46 U.S.C. 3306, 3703; 46 App. U.S.C. 86; 43 U.S.C. 1333(d)(1), 1347(c), 1348(c), 1356(a)(2); 49 CFR 1.46.

2. In § 50.20-5, by revising paragraph (d) to read as follows:

**§ 50.20-5 Procedures for submittal of plans.**

\* \* \* \* \*

(d) Plans, except those for boilers and nuclear vessels, may be submitted to Commanding Officer, U.S. Coast Guard Marine Safety Center, 2100 Second St., SW., Washington, DC 20593.

\* \* \* \* \*

**PART 71—INSPECTION AND CERTIFICATION**

3. The authority citation for Part 71 is revised to read as follows and all other authority citations are removed:

Authority: 46 U.S.C. 3306; 33 U.S.C. 1321(j)(1); 49 CFR 1.46.

4. In § 71.65-15, by revising paragraph (a)(3) to read as follows:

**§ 71.65-15 Procedure for submittal of plans.**

(a) \* \* \*

(3) The plans may be submitted directly to Commanding Officer, U.S. Coast Guard Marine Safety Center, 2100 Second St., SW., Washington, DC 20593.

\* \* \* \* \*

**PART 91—INSPECTION AND CERTIFICATION**

5. The authority citation for Part 91 is revised to read as follows and all other authority citations are removed:

Authority: 46 U.S.C. 3306; 33 U.S.C. 1321(j)(1); 49 CFR 1.46.

6. In § 91.55-15, by revising paragraph (a)(3) to read as follows:



**§ 91.55-15 Procedure for submittal of plans.**

(a) \* \* \*

(3) The plans may be submitted directly to Commanding Officer, U.S. Coast Guard Marine Safety Center, 2100 Second St., SW., Washington, DC 20593.

**PART 107—INSPECTION AND CERTIFICATION**

7. The authority citation for Part 107 is revised to read as follows and all other authority citations are removed:

Authority: 46 U.S.C. 3306; 46 App. U.S.C. 86; 43 U.S.C. 1333(d)(1), 1347(c), 1348(c), 1356(a)(2); Sec. 107.05 also issued under 44 U.S.C. 3507; 49 CFR 1.45; Sec. 107.258 also issued under 46 U.S.C. 3316; 49 CFR 1.46(b), (n)(6), (z).

8. In § 107.317, by revising paragraph (b) to read as follows:

**§ 107.317 Addresses for submittal of plans, specifications, and calculations.**

(b) Commanding Officer, U.S. Coast Guard Marine Safety Center, 2100 Second Street SW., Washington, DC 20593.

**PART 110—GENERAL PROVISIONS**

9. The authority citation for part 110 is revised to read as follows and all other authority citations are removed:

Authority: 46 U.S.C. 3306, 3703, 4104; 49 CFR 1.46.

10. In § 110.25-3, by deleting and reserving paragraph (b), and revising paragraph (a)(1) to read as follows:

**§ 110.25-3 Procedure for submitting plans.**

(a) \* \* \*

(1) Commanding Officer, U.S. Coast Guard Marine Safety Center, 2100 Second Street SW., Washington, DC 20593.

**PART 170—STABILITY REQUIREMENTS FOR ALL INSPECTED VESSELS**

11. The authority citation for Part 170 is revised to read as follows:

Authority: 46 U.S.C. 3306; 46 App. U.S.C. 86, 88a; 43 U.S.C. 1333(d), 1356(a); 50 U.S.C. 198; 49 CFR 1.46.

12. In § 170.100, by revising paragraph (b) to read as follows:

**§ 170.100 Addresses for submittal of plans and calculations.**

(b) Commanding Officer, U.S. Coast Guard Marine Safety Center, 2100

Second Street SW., Washington, DC 20593.

**PART 189—INSPECTION AND CERTIFICATION**

13. The authority citation for Part 189 is revised to read as follows and all other authority citations are removed:

Authority: 46 U.S.C. 3306; 33 U.S.C. 1321(j)(1); 49 CFR 1.46.

14. In § 189.55-15, by revising paragraph (a)(3) to read as follows:

**§ 189.55-15 Procedure for submittal of plans.**

(a) \* \* \*

(3) The plans may be submitted directly to Commanding Officer, U.S. Coast Guard Marine Safety Center, 2100 Second Street SW., Washington, DC 20593.

Dated: April 21, 1986.

J.W. Kime,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 86-9202 Filed 4-23-86; 8:45 am]

BILLING CODE 4910-14-M

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Parts 1 and 43**

[CC Docket No. 85-308; RM-4878; FCC 86-97]

**Common Carrier Services; Annual Report Form M and FCC Report 901**

AGENCY: Federal Communications Commission.

ACTION: Final rule; Clarification.

SUMMARY: This document clarifies some ambiguous language contained in a summary of the Commission's Report and Order concerning Amendment of Annual Report Form M and 901.

FOR FURTHER INFORMATION CONTACT: Robin Holms, Accounting and Audits Bureau, Common Carrier Bureau, (202) 634-1861.

**SUPPLEMENTARY INFORMATION:**

In FR Doc. 86-7862, published on April 9, 1986, 51 FR 12157, CC Docket No. 85-308, paragraph 9 on page 12159 inadvertently refers to amended FCC Form M and FCC Report 901 as being "set forth below." That reference in paragraph 9 is in error. Those changes to Form M and FCC Report 901 are reflected in the text of that document.

Federal Communications Commissions.  
William J. Tricarico,  
Secretary.

[FR Doc. 86-9132 Filed 4-23-86; 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 22**

[CC Docket No. 85-89; RM-4811; FCC 86-112]

**Preemption of State Entry Regulation in the Public Land Mobile Service**

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: The Federal Communications Commission has preempted state regulation that prohibits or impedes the entry of common carriers providing conventional paging or two-way mobile services. Under this policy, states may not maintain certification requirements such as "need" showings or other requirements that impair the ability of a Commission licensee to expeditiously construct and operate federally-authorized facilities. The states may, however, maintain regulation of new entrants that does not impede or prohibit entry while serving legitimate state interests in such areas as rates, zoning, health and safety, notice requirements and consumer protection. The Commission also concluded that mobile services common carriers are "non-dominant" for purposes of Title II regulation and need not file tariffs for their interstate services.

EFFECTIVE DATE: July 1, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Lawrence R. Krevor, (202) 632-6917.

This is a summary of the Commission's report and order, CC docket 85-89, adopted March 13, 1986, and released March 31, 1986.

The complete text of Commission decisions are available for inspection and copying during normal business hours in the FCC docket branch (room 230), 1919 M Street, Northwest, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, Northwest, Suite 140, Washington, D.C. 20037.

**Summary of Report and Order**

1. On March 28, 1985, the Commission adopted a Notice of Proposed Rulemaking proposing to preempt state



entry regulation that has the effect of prohibiting or impeding the entry of common carriers providing conventional paging services or two-way mobile services in the Public Land Mobile Service. The Commission also proposed to forbear from all federal rate regulation of such carriers and to require forborne carriers to cancel any tariffs on file with the Commission within sixty days of the issuance of a Report and Order in this proceeding.

2. Over 50 comments and reply comments were filed. The comments provided evidence of many instances in which restrictive state entry practices have frustrated the ability of Commission licensees to construct federally-authorized facilities and provide intrastate services, as well as to develop wide-area interstate communications systems. The commenters opposing preemption generally argued that destructive competition would result from preemption and that state entry regulation is more responsive to local market needs. The Commission concluded that the opposition commenters failed to justify the high economic costs to the consumer of restrictive entry, including higher rates, lower service quality and options and less innovation. The record establishes that restrictive entry practices contravene the Commission's decisions as to the beneficial use of valuable spectrum resources in the public interest, thereby warranting preemption of such regulation.

3. The Commission carefully considered the legal arguments of the opposition commenters and concluded that it may legitimately preempt state entry regulation, even over intrastate common carrier mobile services, when such regulation conflicts with its Title III licensing authority and responsibility. It noted further that as technological advances promote the rapid expansion of networks offering interstate as well as intrastate services, it makes little sense to maintain distinctions between purely local or intrastate services and interstate services for entry regulation purposes.

4. As to the scope of preemption, the Commission stated that the states may not maintain any law, regulation or policy that has the effect of derogating the primacy of federal licensing for the Public Land Mobile Service. Restrictive

entry statutes and rules, the use of regulatory processes by existing carriers to forestall competitive entry, and unwarranted, lengthy administrative delays in the certification process are preempted. This includes any determination of need for a new entrant's services, and most regulation of financial qualifications, fitness, character or the technical or economic feasibility of the new services. The Commission held, however, that the states may provide for non-discriminatory pre- and post-entry regulation of new entrants where such regulation serves legitimate state concerns and does not prohibit or impede competitive entry. For example, a state might require a carrier that pre-sells its services to post a bond or establish an escrow account to protect its subscribers. Similarly, post-entry regulation of carrier practices and services, as well as state regulation of intrastate rates, health and safety matters, zoning issues, consumer protection and notification requirements are not inconsistent with the federal licensing and spectrum allocation responsibilities and are not preempted so long as they are not implemented in such a way as to discriminate against new entrants.

5. The Commission also concluded that a short transition period before preemption takes effect would serve the public interest by reducing the likelihood of service disruptions as restrictive entry schemes, service obligations and rate structures are revised to conform to the preemption guidelines. Accordingly, the preemption of state entry regulation and other policies adopted in the Report and Order will be effective July 1, 1986. In response to the comments, the Commission also stated that its decision to preempt is not intended to modify the existing status of radio common carriers as exchange co-carriers in the Public Land Mobile Service and does not reflect a different role for them for either interconnection status or access charge applicability purposes.

6. The Commission also made final its tentative decision to forbear from federal tariff regulation of carriers in the Public Land Mobile Service. In providing interstate mobile services, these carriers possess insufficient market power to charge unlawful rates or unjustly discriminate and therefore constitute

"non-dominant" carriers for federal tariff regulation purposes. In view of this finding, Public Land Mobile Service licensees will not be subject to the Part 62 Interlocking Directorates application process. The Commission did not finalize its proposal to require forborne mobile services carriers to cancel any tariffs on file with the Commission due to the decision of the U.S. Court of Appeals for the District of Columbia Circuit in *MCI Telecommunications Corporation v. FCC*, 765 F.2d 1186 (1985). In that case, the Court concluded that the Commission could not prohibit common carriers from filing tariffs.

7. *Final Regulatory Flexibility Analysis.* Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b) it is certified that the final rule will not have a significant economic impact on a substantial number of small entities. The rule will reduce the legal and administrative costs currently incurred by small businesses and radio common carriers seeking state certification and will encourage entry of small businesses into this industry. In addition, the decision to forbear from interstate tariff regulation of carriers in the Public Land Mobile Service will eliminate an existing regulatory burden and enable these carriers to respond more directly to marketplace forces.

8. *Paperwork Reduction Act.* The final rule contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or recordkeeping, labeling, disclosure or record retention requirements. It will not increase burden hours imposed on the public. The Commission's decision to forbear from federal tariff regulation will eliminate a current filing requirement for carriers in the Public Land Mobile Service. In addition, these carriers will not be subject to the Part 62 Interlocking Directorates application process.

#### Ordering Clauses

9. Accordingly, It Is Ordered, that Part 22 of the Rules are Amended as specified below. These amendments and other policies adopted in this order will become effective on July 1, 1986.

10. It Is Further Ordered, that the Motion to Supplement Comments filed by Allied Radiotelephone Utilities of California is Granted.



**List of Subjects in 47 CFR Part 22**

Communications common carriers,  
Radio broadcasting.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Part 22 of Title 47 of the Code of  
Federal Regulations is amended as  
follows:

**PART 22—[AMENDED]**

1. The authority citation for Part 22  
continues to read:

**Authority:** Sections 4, 303, 48 Stat. 1066,  
1082 as amended (47 U.S.C. 154, 303).

§§ 22.13, 22.43 and 22.44 [Removed]

2. In Part 22, §§ 22.13(f), 22.43(b)(2)  
and 22.44(c) are removed.

[FR Doc. 86-8902 Filed 4-23-86; 8:45 am]

BILLING CODE 6712-01-M



# Proposed Rules

Federal Register

Vol. 51, No. 79

Thursday, April 24, 1986

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### 21 CFR Part 1308

#### Schedules of Controlled Substances; Proposed Placement of 3-Methylfentanyl into Schedule I

**AGENCY:** Drug Enforcement Administration, Justice.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice of proposed rulemaking is issued by the Administrator of the Drug Enforcement Administration (DEA) to place the narcotic substance, 3-methylfentanyl into Schedule I of the Controlled Substances Act (CSA) (21 U.S.C. 801 et seq.). This proposed action by the DEA Administrator is based on data gathered and reviewed by DEA and independently evaluated by the Acting Assistant Secretary for Health, Department of Health and Human Services. If finalized, this proposed action would impose the regulatory control mechanisms and criminal sanctions of Schedule I on the manufacture, distribution and possession of 3-methylfentanyl.

**DATE:** Comments must be submitted on or before May 27, 1986.

**ADDRESS:** Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative.

**FOR FURTHER INFORMATION CONTACT:** Howard McClain, Jr. Chief, Drug Control Section, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 633-1366.

#### SUPPLEMENTARY INFORMATION:

#### List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

On March 25, 1985, the Administrator of the Drug Enforcement Administration

issued a final rule in the **Federal Register** temporarily placing 3-methylfentanyl into Schedule I of the Controlled Substances Act pursuant to the emergency scheduling provisions of 21 U.S.C. 811(h). This action which became effective on April 25, 1985 was based on a finding by the Administrator that the emergency scheduling of 3-methylfentanyl was necessary to avoid an imminent hazard to the public safety. Section 201(h)(2) of the CSA (21 U.S.C. 811(h)(2)) provides that the emergency scheduling of a substance expires at the end of 1 year from the effective date of the order. However, if a rulemaking proceeding to schedule the substance has been initiated pursuant to section 201(a)(1) of the CSA (21 U.S.C. 811(a)(1)), the temporary scheduling may be extended for up to 6 months. Under this provision, the temporary scheduling of 3-methylfentanyl which would expire on April 25, 1986, may be extended until October 25, 1986. This extension is being ordered by the Administrator of DEA in a separate action.

Since the temporary scheduling of 3-methylfentanyl, DEA has continued to gather information regarding the abuse and abuse potential of 3-methylfentanyl and the clandestine manufacture, distribution and trafficking of this substance. By letter dated February 24, 1986, the DEA Administrator submitted the data which DEA had gathered regarding 3-methylfentanyl to the Acting Assistant Secretary for Health, Department of Health and Human Services. In accordance with the provisions of 21 U.S.C. 811(b), the DEA Administrator also requested a scientific and medical evaluation of the relevant information and a scheduling recommendation for 3-methylfentanyl from the Acting Assistant Secretary for Health. On April 7, 1986, the DEA Administrator received a reply from the Acting Assistant Secretary for Health recommending that 3-methylfentanyl be placed into Schedule I of the Controlled Substances Act. A portion of the letter is set forth below:

Pursuant to the requirements of the Controlled Substances Act, 21 U.S.C. 801 et seq., the Food and Drug Administration (FDA) has conducted a scientific and medical evaluation of the drug 3-methylfentanyl. FDA has performed the eight factor evaluation required by 21 U.S.C. 811 and recommends that 3-methylfentanyl be placed in Schedule I of the Controlled Substances Act. I concur with FDA's recommendation to place 3-

methylfentanyl in Schedule I. You will find enclosed a document that supports this recommendation and provides the required eight factor evaluation.

Briefly, the information gathered and reviewed by DEA and the scientific and medical evaluation by the Acting Assistant Secretary for Health shows that 3-methylfentanyl: (1) Is a very potent analog of fentanyl, a Schedule II narcotic substance, (2) produces the narcotic effects of a typical morphine-like compound including physical dependence after chronic administration, (3) is not approved for marketing by the Food and Drug Administration or commercially available in the United States, (4) is manufactured in clandestine laboratories, (5) has been identified by forensic laboratories in submissions of drug evidence from the East and West Coasts, (6) has been responsible for a least a portion of the narcotic overdose deaths attributed to fentanyl-like substances, and (7) continues to pose a threat to the public health and safety.

Based on the information gathered and reviewed by DEA and relying on the scientific and medical evaluation and scheduling recommendation of the Acting Assistant Secretary for Health in accordance with 21 U.S.C. 811(c), the Administrator of the Drug Enforcement Administration, pursuant to the provisions of 21 U.S.C. 811(a), finds that:

1. Based on information now available, 3-methylfentanyl has a high potential for abuse;
2. 3-Methylfentanyl has no currently accepted medical use in treatment in the United States; and
3. There is a lack of accepted safety for use of 3-methylfentanyl under medical supervision.

The Administrator further finds that 3-methylfentanyl is an opiate as defined in 21 U.S.C. 802(18) since it has an addiction-forming and addiction-sustaining liability similar to that of morphine. Consequently, 3-methylfentanyl is a narcotic since the definition of a narcotic, as stated in 21 U.S.C. 802(17)(A) includes: "Opium, opiates, derivatives of opium and opiates."

Under the authority vested in the Attorney General by section 201(a) of the CSA (21 U.S.C. 811(a)), and delegated to the Administrator of DEA by Department of Justice Regulations (28 CFR 0.100), the Administrator hereby



proposes that 21 CFR 1308 be amended as follows:

# **PART 1308—[AMENDED]**

1. The authority citation for 21 CFR Part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b).

2. Paragraph (b) of § 1308.11 is revised by adding a new subparagraph (b)(31) and redesignating the existing subparagraphs (b)(31) through (b)(46) as (b)(32) through (b)(47):

## **§ 1308.11 Schedule I**

(b) \* \* \*

(31) 3-Methylfentanyl [N-[3-methyl-1-(2-phenethyl)-4-piperidyl]-N-phenylpropanamide]—9813.

\* \* \*

Interested persons are invited to submit their comments, objections or requests for hearing in writing with regard to this proposal. Requests for a hearing should state with particularity the issues concerning which the person desires to be heard. All correspondence regarding this matter should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative.

In the event that comments, objections or requests for a hearing raise one or more issues which the Administrator finds warrant a hearing, the Administrator shall order a public hearing by notice in the *Federal Register*, summarizing the issues to be heard and setting the time for the hearing which will not be less than 30 days after the date of the notice.

Pursuant to Title 5, United States Code, section 605(b), the Administrator certifies that the proposed placement of 3-methylfentanyl into Schedule I of the Controlled Substances Act will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96-354). The substance, 3-methylfentanyl, proposed for control in this notice, has no legitimate use or manufacturer in the United States. In accordance with the provisions of Title 21, United States Code, section 811(a), this proposal to place 3-methylfentanyl into Schedule I, is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557, and as such, have been exempted from the consultation requirements of Executive Order 12291 (46 FR 13193).

Dated: April 21, 1986.

John C. Lawn,  
Administrator, Drug Enforcement  
Administration.  
[FR Doc. 86-9126 Filed 4-23-86; 8:45 am]  
BILLING CODE 4410-09-M

## **DEPARTMENT OF THE INTERIOR**

### **Minerals Management Service**

#### **30 CFR Part 250**

#### **Oil and Gas and Sulphur Operations in the Outer Continental Shelf**

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The proposed rule would establish procedures to obtain testimony from witnesses or persons who have knowledge of serious accidents, fires, blowouts, or spills that occurred during oil, gas, or sulphur operations in the Outer Continental Shelf (OCS).

The testimony is needed by accident investigative panels to determine the cause or probable cause of an accident under investigation. These procedures would facilitate meetings of the investigative panels.

**DATE:** Comments must be hand-delivered or postmarked no later than May 27, 1986.

**ADDRESS:** Written Comments must be mailed or hand-delivered to the Department of the Interior; Minerals Management Service; 12203 Sunrise Valley Drive, Mail Stop 646; Reston, Virginia 22091; Attention: David A. Schuenke.

**FOR FURTHER INFORMATION CONTACT:** David A. Schuenke, telephone: (703) 648-7816, (FTS) 959-7816.

**SUPPLEMENTARY INFORMATION:** Section 22(d) of the Outer Continental Shelf Lands Act (OCSLA) provides that the Secretary of the Interior, or the Secretary of the Department in which the U.S. Coast Guard (USCG) is operating, shall make an investigation and public report on major fires, oil spills, deaths, and serious injuries occurring as a result of operations conducted pursuant to the OCSLA.

For any given spill or accident, the decision as to whether the Minerals Management Service (MMS) or the USCG will be the lead Agency in the investigation is determined by the provisions of a Memorandum of Understanding (MOU) between the U.S. Geological Survey and the USCG published in the *Federal Register* on January 8, 1981 (46 FR 2199). The MMS is

party to the MOU after it succeeded to the authority of the U.S. Geological Survey's Conservation Division concerning activity in the OCS by direction of Secretarial Order 3071 dated January 19, 1982.

When MMS is the lead Agency in the investigation of a major accident, an investigative panel may be appointed by the Regional Director in whose Region the accident occurred. The panel may convene a meeting to take testimony from persons who have witnessed or are knowledgeable of the accident under investigation. Since such meetings affect persons other than MMS personnel, MMS has concluded that rules pertaining to the conduct of such meetings should be proposed.

The purpose of the meetings is to provide the investigative panel a forum by which to obtain information to aid in determining the cause or probable cause of the accident under investigation. Such meetings are not intended to be adversarial proceedings, and the proposed rule would preclude cross-examination of the persons giving testimony or interference with the meeting's progress.

Inasmuch as it is recognized that the meeting transcripts may be subject to other proceedings of an adversarial nature and further that the investigative panel's report on the accident may document lapses in compliance with regulations and Order, provisions are included to allow the presence of legal counsel during the questioning of witnesses.

Provisions pertaining to location, testimony under oath, verbatim transcripts, subpoena power, and travel expenses are also included.

#### **Executive Order 12291**

The purpose of this proposal is to provide procedures for accident investigative panels. These procedures would not increase prices for consumers nor would they result in major cost increases for individual industries, Federal, State, or local government agencies, or geographic regions. Based on this assessment, the Department of the Interior (DOI) has determined that this document does not constitute a major rule under Executive Order 12291; therefore, a Regulatory Impact Analysis is not required.

#### **Regulatory Flexibility Act**

The DOI has also determined that since this rule is procedural in nature, it would not have a significant economic effect on a substantial number of small entities.



**Paperwork Reduction Act**

This proposed rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

**Author**

The principal author of this document is G.R. Daniels, Offshore Rules and Operations Division, MMS.

**List of Subjects in 30 CFR Part 250**

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Investigations, Oil and gas exploration, Penalties, Pipelines, Public lands/mineral resources, Reporting and recordkeeping requirements.

Dated: March 6, 1986.

William D. Bettenberg,

Director, Minerals Management Service.

For the reasons set forth above, 30 CFR Part 250 is proposed to be amended as follows:

**PART 250—[AMENDED]**

1. The authority citation for Part 250 continues to read as follows:

Authority: Outer Continental Shelf Lands Act, 43 U.S.C. 1331 et seq; as amended, 92 Stat. 629; National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq. (1970); Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 et seq.

2. In § 250.45, a new paragraph (c) is added as follows:

**§ 250.45 Accidents, Fires, and malfunctions.**

(c) Unless otherwise specifically ordered by the Director, all formally designated investigation meetings conducted under the authority of sections 22(d) (1) and (2) of the Act shall be fact-finding proceedings with no formal issues and no adverse parties. Such meetings shall not be subject to the provisions of the Administrative Procedure Act (Pub. L. 89-554, 80 Stat. 384 [5 U.S.C. 554]). Such meetings shall satisfy the following requirements:

(1) The meeting shall be conducted in the appropriate MMS regional or district office or at some other convenient location determined by the panel chairperson.

(2) All members of the panel shall be present at such meetings if possible. A simple majority shall constitute a quorum. The chairperson may designate a member(s) of the panel to conduct meetings without all members present if the chairperson finds it to be appropriate.

(3) Appropriate oaths shall be administered by the chairperson or his/her designee to all persons giving testimony.

(4) A verbatim transcript shall be made of any formal meeting.

(5) Each person giving testimony shall be allowed to have legal and/or other representative(s) present to advise or counsel when giving testimony to the panel.

(6) Only the following persons shall be admitted to the questioning of any person giving testimony:

(i) The panel members, the panel's legal advisor, and any experts the panel deems necessary,

(ii) The person giving testimony and such person's legal or other representative(s), and

(iii) The testimony transcriber.

(7) The chairperson of the panel may, if necessary, issue a subpoena to any witness or person who has knowledge of the accident pursuant to section 22(f) of the Act. A witness or a person who has knowledge of the accident may be required to attend a meeting at a place not more than 100 miles from the place where the subpoena is served.

(8) Any witness or person who has knowledge of the accident subpoenaed to attend a formal meeting under this subsection shall be paid the same fees and mileage paid for similar services in the U.S. District Courts. The MMS shall pay fees and mileage for those persons the MMS has called if the persons so request.

(9) When witness(es) or person(s) who have knowledge of the accident cannot attend a formal meeting due to injury or cannot be required to attend such meeting, the panel may move the meeting site to a location more convenient to the witness(es) or person(s), or the panel may accept a written statement in lieu of oral testimony.

[FR Doc. 86-9172 Filed 4-23-86; 8:45 am]

BILLING CODE 4310-MR-M

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 115**

[CGD 81-057]

**General Bridge Permit Program Regulations**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Supplementary notice of proposed rulemaking.

**SUMMARY:** This proposed rule would establish a General Bridge Permit and

the procedure for receiving authorization to proceed with the construction or modification of bridges under the Permit. The present Individual Bridge Permit program has proven to be unduly burdensome on owners and builders of certain bridges which have an insignificant impact on navigation and the quality of the human environment. The General Bridge Permit program would eliminate the unnecessary burdens, while maintaining an adequate level of review of navigational and environmental concerns by the Coast Guard.

**DATE:** Comments must be received on or before June 23, 1986.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jerome D. Schwartz, (202) 755-7620.

**SUPPLEMENTARY INFORMATION:** On September 23, 1982, the Coast Guard published a notice of proposed rulemaking in the *Federal Register* for these regulations (47 FR 41988). Interested persons were requested to submit comments and 39 letters were received, primarily from governmental bodies. As a result of the comments, extensive changes were made in organization and approach and a new proposal has been prepared. Interested persons are invited to participate in this new proposed rulemaking by submitting written comments, data, or arguments. Each comment should include the name and address of the person submitting the comment, reference the docket number (CGD 81-057) and the specific section of the proposal to which each comment applies, and give the reasons for the comments. Persons desiring acknowledgment that their comments have been received should enclose a stamped, addressed postcard or envelope.

All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

**Drafting Information**

The principal persons involved in drafting these proposed rules are Mr. Jerome D. Schwartz, Project Manager, Office of Navigation, and Mr. Stephen H. Barber, Project Counsel, Office of Chief Counsel.

**Background**

In general, construction or modification of bridges across the navigable waters of the United States



must be approved by the Coast Guard. At present, the Coast Guard has a system for reviewing applications for such work on a case-by-case basis known as the Individual Bridge Permit (IBP) program. Regulations establishing this program are found in 33 CFR 115.50 through 115.70.

In recent years, the Coast Guard has identified a category of bridge projects that, under the IBP program, required more paperwork by the applicant and more review time by the Coast Guard than was justified. This category consists of bridge projects which, by their nature, have virtually no adverse impact on navigation or the environment. To address this category, the Coast Guard is proposing, by means of this rulemaking, an alternate permitting system to be known as the General Bridge Permit (GBP) program.

Under the GBP program, the bridge owner need only submit, and the Coast Guard review, certain specified evidence to determine whether the project is, in fact, eligible under the GBP. If, upon review of the material submitted, the Coast Guard finds that the project is eligible under the GBP, the Coast Guard issues a Letter of Authorization to Proceed. In effect, § 115.83(a) would constitute the GBP itself; but bridge owners would have to receive an authorization letter before proceeding under the Permit with their projects. This proposed program, as revised in response to the comments received, is discussed further in the following sections.

#### Discussion of General Comments

One position was clearly shared by all persons responding to the prior notice of proposed rulemaking. All workable changes that would eliminate unnecessary paperwork and processing time for bridge applications, yet still provide for adequate Coast Guard navigational and environmental review, would be supported by all concerned. The primary problems the respondents had were concerns that the regulations as proposed would not, in fact, simplify and expedite the process and, alternatively, that the Coast Guard would be eliminating altogether its case-by-case review of these projects.

In response to these problem areas, this proposed rule reorganizes the approach and formatting used, while retaining the basic substance of the originally proposed rule. A number of changes were also made to clarify the proposal because of the obvious confusion existing.

(1) The prior proposed rule provided a procedure for developing separate GBPs. Because this approach might lead to

inconsistencies among the Districts, this proposed rule would establish a nationwide GBP, rather than prescribe the mechanism for several to be developed. Proposed § 115.83(a) would now constitute the Permit and § 115.86 would set out the criteria which bridge projects must meet to be eligible under the Permit. As originally proposed, however, the bridge owner would still have to receive authorization to proceed from the Coast Guard before beginning a project under the GBP.

(2) On the question of review by the Coast Guard, changes were made to make it clear that a bridge owner cannot proceed with a project merely because it meets the criteria in proposed § 115.86 for eligibility under the GBP. First, the party would have to submit a request to the Coast Guard containing the specific information on the project called for in proposed § 115.91. This material would provide the Coast Guard with information relative to the particular project and form the basis of its navigational and environmental review. Authorization to proceed would be issued only on a case-by-case basis for projects determined by the Coast Guard to be eligible under the GBP program.

(3) In addressing the question of whether the GBP program would actually simplify and facilitate the process, one needs to keep in mind the nature of eligible projects. Proposed §§ 115.86(c) and (d) would limit eligible projects to those that provide for the safe passage of all vessels customarily using the waterway. If the project would obstruct this navigation in any way, the project would not be eligible under the GBP program.

Other factors to be considered by the Coast Guard are listed in proposed §§ 115.86(e) through (l). These factors relate to environmental and other matters, such as impact on public parks, historic and archaeological sites, wild and scenic rivers, coastal barrier islands, wetlands, floodplains, flood control projects, and wildlife habitats. Except for certain variances from these criteria for projects which are under the jurisdiction of a Federal lead agency (§ 115.86(m) and (n)), all eligible projects must not adversely impact these areas and, in some cases, must not even be located within or near these areas.

The bottom line for eligibility is that the projects have virtually no adverse effect on any area of concern within the purview of the Coast Guard. For this reason, eligible projects would not need the extensive navigational study and separate environmental documentation needed to explain and assess adverse or controversial impacts. Therefore, the GBP program would eliminate the

additional paperwork which would be necessary if the project was processed under the Coast Guard's Individual Bridge Permit program (33 CFR 115.50 through 115.70).

#### Discussion of Specific Comments and Changes

Several changes are made in the revised proposal that are of a ministerial nature. Part 115 is retitled and divided into subparts to assist the user. Proposed § 115.01, Purpose and applicability, would be amended to align it with the Coast Guard Authorization Act of 1982 (Pub. L. 97-322), which removed many minor waterways from the Coast Guard bridge permit program. Proposed § 115.50, Application for Individual Bridge Permits, would be amended to indicate the Coast Guard's need to consider the probable impact on the human environment before taking final action on an IBP application under the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*). These changes, appearing in items 1 through 7 of the regulatory text, would have no new effect on the proposed GBP provisions.

1. *Proposed § 115.80*—This section is new and simply explains the purpose and applicability of proposed Subpart C, General Bridge Permit.

2. *Proposed § 115.83*—(a) This section would establish the GBP itself.

(b) A number of comments suggested that only specific bridge actions, and not geographic areas, should be considered under a GBP. These suggestions are adopted to avoid inconsistencies from Coast Guard District to District and from geographic area to area by instituting the single nationwide GBP.

(c) Two comments suggested that all GBP's be issued by the District Commanders, rather than the Commandant, in order to reduce paperwork within the Coast Guard. Proposed § 115.95 would assign the responsibility for issuing authorizations to proceed to the District Commanders and reserve in the Commandant the authority to review appeals.

3. *Proposed § 115.86*—This section would eliminate the distinction between standard and special criteria in the prior notice and speak only in terms of "criteria" for eligibility under the GBP.

(b) Several comments suggested that the Coast Guard limit its concerns to protecting the needs of navigation and leave matters relating to the environment, recreation, and historic sites to other Federal agencies. The Coast Guard, however, is required to consider these additional matters under other laws, such as NEPA and the



Department of Transportation Act (49 U.S.C. 303). Proposed paragraphs (m) and (n) of § 115.86 are added to provide for consideration of input from other Federal agencies.

(c) One comment requested that Corps of Engineers' approval under section 404 of the Clean Water Act be given before the Coast Guard acts under the GBP. This recommendation was not adopted because Coast Guard approval is not contingent upon Corps approval. As the comment stated, however, Coast Guard authorization to proceed under the GBP would not relieve the bridge owner of the responsibility to obtain whatever approval is required by other Federal, State, or local agencies before proceeding with the project (33 CFR 114.10).

(d) One comment suggested that the eligibility criteria address potential flood hazards associated with coastal storms and storm surges. This matter would be accounted for in the floodplain criterion in proposed paragraph § 115.86(i).

(e) Two comments asked that the proposed wetland provision be aligned with the wording in DOT Order 5660.1A to allow discretion in dealing with individual cases involving wetlands. Proposed § 115.86(f) has been revised accordingly.

(f) Several comments suggested that the originally proposed wetlands provision was inconsistent with FHWA's wetland evaluation procedures. Recognizing that other Federal agencies may use differing procedures to achieve required environmental reviews, new § 115.86(m) would provide for Coast Guard acceptance of determinations of categorical exclusion from certain NEPA requirements made by designated lead agencies, when these determinations are consistent with Coast Guard policy.

(g) One comment objected to opening up the eligibility criteria to include "any other limitation deemed appropriate by the Commandant". Because of the broad scope of this provision, the comment suggested that such projects could be handled under the IBP program. This provision has been deleted from the revised proposal.

(h) One comment suggested that the words "will not have a significant environmental impact" in the originally proposed provision on fill in nontidal wetlands be rephrased in terms of "minimal impact" to be consistent with the rest of the regulations. Proposed § 115.86(f)(2)(iv) is revised accordingly.

(i) Fourteen comments suggested that the required half-mile separation between eligible projects and historic sites (proposed § 115.86(g)) is arbitrary,

unduly restrictive, and outside the scope of the referenced law. Under 36 CFR 800.4(a), the Coast Guard must consider the effect on historic places lying, not just within the bridge project area, but "within the area of the undertaking's potential environmental impact and that may be affected by the undertaking". Coast Guard bridge permit records indicate that historic places located at least one-half mile away from bridge projects are not affected environmentally by those projects. As a result, the Coast Guard's Bridge Administration Manual uses a buffer zone of one-half mile in defining the area of impact (COMDTINST M16590.5). Reducing or eliminating this zone would create uncertainty over whether or not there is or may be an impact. Therefore, proposed § 115.86(g) retains the one-half mile provision for the GBP Program. Projects not meeting this requirement may still be considered for an IBP.

(j) Comments similar to those discussed in the provision paragraph were received on the one-half mile provision relating to parks and historic sites. On reconsideration, this provision has been deleted from proposed § 115.86(1) because that paragraph relates to projects within, rather than near, parks or historic sites.

(k) One comment expressed concern that the regulations recognize the fact that river bluffs and other high ground, especially in coastal zones, were favored settlement areas for Indians and other historic peoples. Proposed § 115.86(g), (j), and (l) would address these areas and concerns.

(l) One comment pointed out that section 4(f) of the DOT Act addresses more than just park lands. Proposed § 115.86(1) would correct this provision and reference the now codified statute (49 U.S.C. 303).

(m) One comment stated that eligible projects should not cause any encroachment on the base floodplain. Proposed § 115.86(i) uses "must not cause a significant encroachment" to align the provision with the standard in DOT Order 5650.2.

(n) Five comments asked that "significant encroachment within the base floodplain" be explained. Proposed § 115.86(i) has been amended accordingly.

(o) Several comments suggested that the originally proposed provision on flood heights be deleted because it was already covered. This comment has been adopted. Floodplains would be covered in proposed § 115.86(i).

(p) Several comments asked to know the source of and need for criteria concerning wetlands. The provisions in proposed § 115.86(f) were selected to

maintain consistency with the U.S. Army Corps of Engineers general permit program.

(q) One comment noted that the proper technical term is "coastal barrier" rather than "barrier island". To make the term more understandable to the public, this proposal uses "coastal barrier island" in § 115.86(j).

(r) One comment suggested that eligible projects should not affect the critical habitat of endangered wildlife, as well as the wildlife itself. Proposed § 115.86(k) would indicate that a project must not be located within a critical habitat.

(s) Two comments stated that the originally proposed criteria for parks was unduly burdensome on projects funded by the Federal Highway Administration, an agency under the same Department as the Coast Guard (DOT). Proposed § 115.86(n) has been added to specifically address other DOT agencies.

(t) One comment suggested that the GBP contain a requirement to control the location of bridges across tidal waters. Coast Guard bridge approval is contingent upon receipt of State water quality and coastal zone management consistency certifications. A State may continue to control bridge construction in its waters by those regulatory programs. Therefore, the recommended criterion is not included in the proposed GBP regulation. This is consistent with the processing of IBPs.

(u) One comment stated that the originally proposed criteria did not consider certain potential public health impacts. Health concerns are considered by the States under the required water quality and coastal zone management consistency certifications. Also, for projects for which there is a designated Federal lead agency, these potential impacts are extensively reviewed by those agencies.

(v) One comment noted that it would be difficult and unnecessary to establish specific minimum bridge clearances. This provision has been deleted and proposed §§ 115.86 (b), (c), (d), and (e) have been added to address the aspect of clearances providing for the reasonable needs of navigation.

(w) One comment stated that the criteria omitted consideration of national natural landmarks and archaeological sites. Proposed §§ 115.86 (g), (h), (i), (j), and (l) would address these concerns.

(x) One State commented that the specific special criteria listed in the original proposal would make the GBP program less useable. Two comments asked that the meaning of this criteria



be clarified. One comment recommended that the criteria include a provision to exclude sensitive or locally controversial projects. These provisions have been deleted. Proposed §§ 115.86 would exclude sensitive or controversial projects and clearly define the characteristics of a bridge project eligible under this program.

4. *Proposed § 115.89*—This section states that before starting an eligible bridge project, the bridge owner must request and receive authorization to proceed from the Coast Guard.

5. *Proposed § 115.91*—(a) This section describes the information that the bridge owner must submit to the District Commander in support of the request for authorization to proceed.

(b) Several comments suggested that the original proposal required either too much or too little information in a request for authorization to proceed. One comment stated that the information unnecessarily duplicated information requested by the U.S. Army Corps of Engineers for a Section 404 permit. One comment suggested that the States alone should decide whether their projects are eligible. The Coast Guard needs the information requested in proposed § 115.91 to properly review and evaluate the proposed project under the bridge statutes and several environmental control laws.

Additionally, this information assists the Coast Guard in monitoring the permit program and bridge construction to maintain minimal cumulative impacts.

(c) Two comments stated that water quality and coastal zone management review by the States should be a prerequisite to Coast Guard action. These concerns are addressed in proposed §§ 115.91 (g) and (h) as elements of a request for authorization to proceed.

6. *Proposed § 115.95*—(a) This section describes how the District Commander would process an authorization to proceed request.

(b) One comment suggested that periodic reevaluation of a GBP was inappropriate. This provision is no longer necessary under the single, nationwide GBP and has been deleted. However, the letter of authorization to proceed would contain time limits for beginning and completing the bridge project.

(c) One comment requested that the Coast Guard be limited to a maximum of 60 days to process a request. A time limitation could jeopardize the adequacy of the review. The review contemplated by this proposal should permit the District Bridge Administration Staff to process authorization to proceed requests within

30 days unless multiple requests are received nearly simultaneously.

(d) One comment suggested that the District Commanders be allowed to impose special conditions on a case-by-case basis. The GBP, as revised in this proposal, is not intended for this purpose. Project deviating from those clearly eligible under the GBP should be handled under the Individual Bridge Permit program.

(e) One comment recommended that bridge owners who are denied authorization to proceed should be given an opportunity to correct deficiencies to meet the GBP regulations before going to the Individual Bridge Permit application process. Though early coordination with the Coast Guard would normally identify these situations, proposed § 115.95(b) specifically addressed this concern.

(f) One comment stated that, in practice, two submissions would be necessary for each project—a request for authorization to proceed under the GBP and an application for an Individual Bridge Permit (IBP). Thus, if the request is denied, the IBP process would be able to proceed immediately. Proposed § 115.95(b) specifically addresses this problem by providing Coast Guard assistance in avoiding unnecessary duplication of documentation. The proposed request format has been designed to allow conversion to an IBP application by submitting the environmental documentation evidenced in the request for authorization to proceed.

7. *Proposed § 115.98*—(a) This section concerns revocation of an authorization to proceed.

(b) One comment suggested that more guidance would be required. This section, however, must be read in conjunction with the general requirements in 33 CFR Part 114, in particular § 114.40 (Violations of law), § 114.45 (Applications, extensions of time), and § 114.50 (Right of appeal).

#### **E.O. 12291 and DOT Regulatory Policies and Procedures**

This proposed rule is considered to be non-major under Executive Order 12291 and nonsignificant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal has been found to be so minimal that a full regulatory evaluation is unnecessary.

This rulemaking is intended to reduce the amount of paperwork for the requesting party, reduce the amount of material needed to be reviewed by the Coast Guard, and to reduce the time required to prepare and process a request. All of these factors would result

in lower costs for both the requesting party and the Coast Guard.

In 1985, 40 of the 121 bridge permit applications received by the Coast Guard would have been eligible under the GBP program. These numbers are expected to increase in coming years due to increased construction and increased Federally-funded rehabilitation of existing bridges. In 1986, the anticipated numbers are 50 out of 140 and, in 1987, 60 out of 180 applications. Under the existing IBP procedures, each of these projects requires about 40 hours to prepare an application and 400 hours for the Coast Guard to process the application. The average total time from receipt of an application to issuance or denial of the permit is 50 days per project. The total times for all of these projects is 2,000 hours for applicants, 16,000 hours for the Coast Guard, and 2,000 days processing time. Converting these times to monetary costs, each of these projects costs the Coast Guard \$10,000 in personnel time at \$25.00 per hour. There are basically no costs incurred to compile information for the applications because the bridge builders already must compile this material for planning, designing, and engineering their projects. Applicants also incur costs due to the effects of inflation while they await receipt of an IBP. Because the cost of delay would vary greatly depending upon the projected cost of the project, type of project, timing of submission of the application, projected cost of project, and changing material and labor costs, these delay costs are not meaningfully quantifiable.

By handling eligible projects under the new GBP program, the following reductions are anticipated. Request preparation time should drop to about eight hours per project, an 80% decrease. Coast Guard processing time and costs are anticipated to be reduced 90%. The average time needed to process a request for an authorization to proceed is anticipated to be under 30 days. The savings for all 40 eligible projects in 1985 would have totaled 1,280 in preparation hours, 14,400 in Coast Guard personnel hours, \$360,000 in Coast Guard costs, and 800 days of delay.

In conclusion, the GBP procedure would produce at least some savings in time and monetary cost for every eligible project. However, the overall cost of operating the Coast Guard's bridge permitting programs is expected to remain the same or increase due to the predicted increase in the total number of permit applications and requests.



**Regulatory Flexibility Act**

As discussed above, the economic impact of this proposed rule would be minimal and would be a reduction from that required under the existing IBP program. Therefore, the Coast Guard certifies that the rule will not have a significant economic impact on a substantial number of small entities.

**Paperwork Reduction Act**

This proposed rulemaking contains information collection requirements in § 115.91. It will be submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Persons desiring to comment on these information collection requirements should submit their comments to: Office of Regulatory Policy, Office of Management and Budget, 726 Jackson Place NW., Washington, D.C. 20503, Attn: Desk Officer, U.S. Coast Guard. Persons submitting comments to OMB are also requested to submit a copy of their comments to the Coast Guard as indicated under "ADDRESSES".

These proposed regulations would result in a reduction in the overall paperwork burden on persons requesting to construct or modify eligible bridges.

**Environmental Assessment**

The Coast Guard has considered the environmental impact of the proposed regulations and concluded that preparation of an environmental impact statement is not necessary. These regulations would provide a less burdensome procedure for processing permits for certain bridges which presently fall under the IBP program. The environmental impact of a bridge authorized under the GBP program would be no different had that bridge been permitted under the existing IBP process.

These regulations are basically procedural and would have no effect on the environment in themselves. A separate environmental assessment on the GBP is on file in the rulemaking docket and is available for inspection or copying at the Office of the Marine Safety Council, Room 2201, Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593, (202) 426-1477.

**List of Subjects in 33 CFR Part 115**

Bridges, Reporting and recordkeeping requirements.

In consideration of the foregoing, Part 115 of Title 33 of the Code of Federal Regulations is proposed to be amended as follows:

**PART 115—[AMENDED]**

1. By revising the heading of Part 115 to read "BRIDGE PERMITS".
2. The authority citation for Part 115 is revised to read as follows and all other authority citations are removed:

Authority: 33 U.S.C. 401, 491, 525, 533; 14 U.S.C. 633; 49 CFR 1.46 (c) and (q).

**Subpart A—[Added]**

3. By adding a new subpart heading before § 115.01 to read "Subpart A—General Requirements".
4. By revising § 115.01 to read as follows:

**§ 115.01 Purpose and applicability.**

(a) This part establishes application and processing procedures for permits to construct or modify bridges across the navigable waters of the United States, except for waters not subject to the ebb and flow of the tide which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.

(b) The District Commander designates those waters within the District Commander's jurisdiction that are considered to meet the exception in paragraph (a) of this section. A permit under this part is not required for construction or modification of bridges across waters so designated. A list of waters so designated is available from the District Commander for the area in which the waters are located.

**Subpart B—[Added]**

5. By adding a new subpart heading after § 115.40 to read "Subpart B—Individual Bridge Permits".
6. By adding a new § 115.48 to read as follows:

**§ 115.48 Purpose and applicability.**

This subpart establishes application and processing procedures for Individual Bridge Permits. Authorization to construct or modify bridges which fall under the General Bridge Permit may be requested under the procedures in Subpart C of this part.

7. By revising paragraph (b) and removing and reserving paragraph (c) of § 115.50 as follows:

**§ 115.50 Application for bridge permits.**

(b) *Prior authority necessary.* A bridge cannot be constructed until the location and plans have been approved by the Coast Guard and after full consideration of the probable impact of the proposed action on the quality of the human environment.

(c) [Reserved]

8. By adding a new Subpart C to read as follows:

**Subpart C—General Bridge Permit**

Sec.

- 115.80 Purpose and applicability.
- 115.83 General bridge permit.
- 115.86 Criteria for eligibility under the permit.
- 115.89 Authorization to proceed required.
- 115.91 Request for authorization.
- 115.95 Proceeding requests.
- 115.98 Revocation of authorization.

**Subpart C—General Bridge Permit****§ 115.80 Purpose and applicability.**

This subpart establishes a General Bridge Permit (GBP) applicable to certain bridge projects and prescribes the procedures for obtaining authorization to proceed under the Permit.

**§ 115.83 General Bridge Permit.**

(a) This provision constitutes a General Bridge Permit for projects involving the construction or modification of bridges which meet fully the criteria in § 115.86. These projects do not require an Individual Bridge Permit under Subpart B of this part but do require authorization under § 115.95 before proceeding with the project.

(b) For matters within the purview of the Coast Guard, projects under the GBP are deemed to have an insignificant impact on navigation and the quality of the human environment and, therefore, do not need the extensive navigational and environmental documentation or the case-by-case Coast Guard public hearings associated with the Individual Bridge Permit program.

**§ 115.86 Criteria for eligibility under the permit.**

- (a) Projects under the GBP must meet all of the criteria in this section.
- (b) The project must not involve work on or replacement of a movable bridge.
- (c) The project must provide for the passage of all navigation customarily using the waterway.
- (d) The project must not obstruct that portion of the waterway customarily navigation by the deepest draft vessels using the waterway.
- (e) The project must not interfere with any existing Federal navigation or flood control project.

(f) The bridge project must not be located across wetlands, unless the District Commander determines that there is no practicable alternative



location which avoids the wetlands. As used in this section, "wetlands" means lowlands covered with shallow and sometimes temporary or intermittent waters, including but not limited to swamps, marshes, bogs, sloughs, potholes, wet meadows, river overflows, shallow lakes or ponds with emergent vegetation, and estuarine areas, but not including areas covered with water for such a short time that there is no effect on moist-soil vegetation and not including the permanent waters of streams, reservoirs, and deep lakes. If the District Commander determines that there is no practicable alternative location, the project must comply with the following:

(1) If the wetlands are tidal, the project must not involve dredging or the placement of fill material in the waterbody or wetlands.

(2) If the wetlands are non-tidal—

(i) The bridge structure must accommodate the 100 year flood;

(ii) The project must not involve the placement of more than 200 cubic yards of fill below the ordinary or mean high water line;

(iii) The project must not involve the placement of fill beyond 100 feet on either side of the ordinary or mean high water line; and

(iv) The District Commander must determine that the fill, if any, will have a minimal impact on wetland values under Executive Order 11990.

(g) The project must not be located within one half mile of any property listed, or eligible or proposed to be listed, in the National Register of Historic Places (36 CFR Part 800).

(h) The project must not be located in or across, or affect, any Federally-listed established or prospective component of the National Wild and Scenic River System under 16 U.S.C. 1274 and 1276.

(i) The project must not cause a significant encroachment within the base floodplain, that is, an encroachment resulting in a considerable probability of loss of human life, likely future damage that could be substantial in cost or extent (including interruption of service on or loss of a vital transportation facility), or a notable adverse impact on natural and beneficial floodplain values (DOT Order 5650.2).

(j) The project must not be located on or provide access to a coastal barrier island under 16 U.S.C. 3501, *et seq.*

(k) The project must not be located within a critical habitat of a Federally-listed endangered or threatened species of fish or wildlife under 16 U.S.C. 1531, *et seq.*

(l) The project must not be located wholly or partially within a park,

historic site, refuge, or other area of natural beauty under 49 U.S.C. 303, unless the bridge will be used solely for purposes for which the area was established and will not promote further development within the area.

(m) Projects may vary from the requirements of paragraphs (f), (g), (h), (i), (j), and (k) of this section and still be eligible under the GBP, if all of the following provisions apply:

(1) A Federal agency has been designated as lead agency on the project for purposes of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321, *et seq.*).

(2) The lead agency has determined that, even with the variances, the project is categorically excluded from the NEPA requirements for the preparation of an Environmental Impact Statement, Environmental Assessment, or Finding of No Significant Impact.

(3) The District Commander processing the request agrees that the categorical exclusion determination by the lead agency is consistent with Coast Guard policy.

(n) If the Federal lead agency referred to in paragraph (m) of this section is an agency under the United States Department of Transportation, projects which vary from the requirements of paragraph (1) of this section are also eligible under the GBP, if the provisions of paragraphs (m) (1), (2), and (3) of this section apply.

#### **§ 115.89 Authorization to proceed required.**

Before beginning a project under the GBP, the bridge owner must request and receive authorization to proceed from the Coast Guard under this subpart

#### **§ 115.91 Requests for authorization.**

Each request for authorization to proceed must be in writing using any simple format, be submitted to the District Commander, and include the following information documents:

(a) The name and address of the bridge owner.

(b) A statement by the owner certifying that the project meets all of the criteria in § 115.86 for eligibility under the GBP.

(c) A brief description of the project and its purpose.

(d) A copy of the plans of the project in or folded to letter size and in good reproducible quality.

(e) A map of the vicinity of the project in or folded to letter size, in good reproducible quality, and showing the following:

(1) The title and date in the lower right hand corner.

(2) A graphic scale and north arrow.

(3) The course of the waterway and the entire work site of the project.

(4) The location of, or direction and distance to, the nearest town or other reference point.

(5) All bridges within one half mile of the project.

(f) A copy of a notice published in a local newspaper of general circulation which—

(1) Briefly describes the project.

(2) Identifies the project's location.

(3) Gives the name and address of the project's owner and of the District Commander.

(4) Requests that comments be sent to both of the parties listed in paragraph (f)(3) of this section within 10 days of the notice; and

(5) Indicates that it is the owner's intent to request Coast Guard authorization to proceed.

(g) A copy of the certification or waiver under 33 U.S.C. 1341 issued by the appropriate water pollution control agency concerning the project.

(h) If the project is located in a state's coastal zone as defined in the Federally-approved coastal zone management plan, a copy of the consistency certification by the bridge owner and concurrence by the state under 16 U.S.C. 1456 indicating that the project complies with the state's Federally-approved coastal zone management program.

(i) If a Federal lead agency has been designated for the project, a reference to the finding or determination justifying each variance under § 115.86 (m) and (n).

**Note.**—The District Commander provides a sample request and public notice which may be used as a guide.

#### **§ 115.95 Processing requests.**

(a) Upon receipt of a request, the District Commander considers the information and documents submitted and the comments received to determine whether the project meets the criteria for eligibility under § 115.86 and the request meets the requirements of § 115.91.

(b) If, upon initial review, it appears that the project is not eligible under the GBP, the District Commander informs the applicant of the reasons and advises that, if the deficiencies are not corrected, the applicant should apply under the Individual Bridge Permit (IBP) procedure in Subpart B of this part. The District Commander identifies any additional documentation required to make the IBP application complete, avoiding unnecessary duplication.

(c) If the request is approved, the District Commander issues a letter of



authorization to proceed to the bridge owner.

(d) If the request is denied, the bridge owner may apply under Subpart B of this part for an IBP or may appeal the denial under § 114.50 of this chapter.

#### § 115.98 Revocation of authorization.

Authorization to proceed may be revoked by the District Commander if that person determines that the requirements of this subpart were not met or the bridge structure or other work constitute an unreasonable obstruction to navigation or to operations of the United States in the interest of navigation or flood control.

Dated: April 18, 1986.

T.J. Wojnar,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 86-9201 Filed 4-23-86; 8:45 am]

BILLING CODE 4910-14-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 796 and 799

[OPTS-42075; TSH-FRL 2904-2]

### Pentabromoethylbenzene; Proposed Test Rule

#### Correction

In FR Doc. 85-26937, beginning on page 46785 in the issue of Wednesday, November 13, 1985, make the following correction: On page 46787, in the third column, paragraph 3, the thirty-first line should read: "and 61.9 ppm, respectively, for animals receiving 1,000 ppm PEB in the diet. No".

BILLING CODE 1505-01-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 86-133; RM-5215]

### TV Broadcast Station in Crystal River, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

**SUMMARY:** Action taken herein proposed to assign UHF television Channel 39 to Crystal River, Florida, as that community's first local television channel, in response to a petition filed by William F. Parrish.

**DATES:** Comments must be filed on or before June 9, 1986, and reply comments on or before June 24, 1986.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

#### SUPPLEMENTARY INFORMATION:

#### List of Subjects in 47 CFR Part 73:

Television broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

In the Matter of Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Crystal River, Florida): [MM Docket No. 86-133; RM-5215]

Adopted: April 7, 1986.

Released: April 17, 1986.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed by William F. Parrish ("petitioner") requesting the assignment of UHF television Channel 39 to Crystal River, Florida, as that community's first local television service. Petitioner stated his intention to apply for the channel.<sup>1</sup>

2. Crystal River (population 2,778),<sup>2</sup> in Citrus County (population 54,703), is located on the west coast of Florida, approximately 120 kilometers (75 miles) northwest of Orlando. Channel 39 can be assigned to Crystal River in compliance with the minimum distance separation requirements of § 73.610 of the Commission's rules.

#### PART 73—[AMENDED]

3. In view of the fact that there has been a demonstrated need and interest for a first television assignment to Crystal River, Florida, the Commission believes it is appropriate to seek comments on the proposal to amend the Television Table of Assignments

§ 73.606(b) of the rules) with respect to the following community:

City	Channel No.	
	Present	Proposed
Crystal River, FL		39

4. The Commission's authority to institute rule making proceedings, showings required, cut-out procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before June 9, 1986, and reply comments on or before June 24, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: William F. Parrish, Route 2, Box 1360, Fruitland Park, Florida 32731.

The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An ex parte contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an ex parte presentation and shall not be considered in the proceeding.

<sup>1</sup> In an earlier proceeding (MM Docket 84-758, RM-4733) the Commission issued the *Notice of Proposed Rule Making* 49 FR 32410, published August 14, 1985, proposing the assignment of Channel 39 to Crystal River, Florida, at the request of the petitioner. That rule making was dismissed to Report and Order, adopted March 11, 1985, for lack of containing interest in the channel.

<sup>2</sup> Population figures were taken from the 1980 U.S. Census.



Federal Communications Commission.  
**Charles Schott,**  
*Chief, Policy and Rules Division, Mass Media Bureau.*

## Appendix

1. Pursuant to authority found in sections 4(i), 5(e)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's rules, It Is Proposed To Amend the TV Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions

by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, DC.

[FR Doc. 86-9136 Filed 4-23-86; 8:45 am]

BILLING CODE 6712-01-M

## 47 CFR Part 73

[MM Docket No. 86-134; RM-5144]

### FM Broadcast Station in DeKalb, IL

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This action proposes to allot Channel 263A to DeKalb, Illinois, as its second FM channel, in response to a petition filed by Peggy Jo Martis.

**DATES:** Comments must be filed on or before June 9, 1986, and reply comments on or before June 24, 1986.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

#### SUPPLEMENTARY INFORMATION:

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

In the matter of Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (DeKalb, Illinois) [MM Docket No. 86-134; RM-5144]

## Proposed Rule Making

Adopted: April 7, 1986.

Released: April 17, 1986.

By the Chief, Policy and Rules Division:

1. Before the Commission is a petition for rule making filed by Peggy Jo Martis ("petitioner") which seeks the allotment of Channel 263A to DeKalb, Illinois, as its second FM channel. Petitioner stated her intention to apply for the channel.

2. We believe that the petitioner's proposal warrants consideration. The transmitter site must be restricted to 11.7 kilometers (7.3 miles) northeast of the city to avoid short spacing to Station WLOO(FM) Channel 263A, Chicago, Illinois, and to the vacant allotment of Channel 263A to Henry, Illinois (Docket 84-231). Since the site restriction is further than we can generally predict for city grade coverage, in comments to the *Notice* petitioner should submit a showing that the required city grade coverage 70 (dBu) can be provided to DeKalb at such a distance.

## PART 73—[AMENDED]

3. In view of the foregoing, the Commission seeks comments on the proposal to amend the FM Table of Allotments, § 73.202(b) of the Rules, with regard to the community listed below:

City	Channel No.	
	Present	Proposed
DeKalb, IL	223	223, 263A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

5. Interested parties may file comments on or before June 9, 1986, and reply comments on or before June 24, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Peggy Jo Martis, Post Office Box 3685, Peoria, Illinois 61614.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to



amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An ex parte contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an ex parte presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

#### Appendix

1. Pursuant to authority found in sections 4(i), 5(e)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's rules, It is Proposed To Amend the TV Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, DC.

[FR Doc. 86-9135 Filed 4-23-86; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 86-135; RM-5210]

#### FM Broadcast Station in Greenwood, MS

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This action proposes the allotment of FM Channel 282A to Greenwood, Mississippi, in response to a petition filed by Ruben C. Hughes. This allotment could provide for a third commercial FM broadcast service for the community.

**DATES:** Comments must be filed on or before June 9, 1986, and reply comments on or before June 24, 1986.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

#### SUPPLEMENTARY INFORMATION:

##### List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

**Authority:** Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

In the Matter of Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Greenwood, Mississippi) [MM Docket No. 86-135; RM-5210]

Adopted: April 7, 1986.

Released: April 17, 1986.

By the Chief, Policy and Rules Division:

1. Before the Commission for consideration is a petition for rule making filed by Ruben C. Hughes ("petitioner") seeking the allotment of FM Channel 282A to Greenwood, Mississippi, as the community's third commercial broadcast service. Petitioner indicated he would apply for the channel.

2. We believe petitioner's proposal warrants consideration. Channel 282A can be allocated to Greenwood, Mississippi, in compliance with the minimum distance separation requirements of the Commission's rules.

#### PART 73—[AMENDED]

3. In view of the fact that the proposal allocation could provide a third commercial broadcast service to Greenwood, Mississippi, the



Commission believes it is appropriate to propose amending the FM Table of Allotments, §73.202(b) of the Commission's rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Greenwood, MS.....	256, 270A	256, 270A, and 282A.

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

**Note:** A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

5. Interested parties may file comments on or before June 9, 1986, and reply comments on or before June 24, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Eugene F. Mullin, Lawrence Roberts, Mullin, Rhyne, Emmons & Topel, P.C., 1000 Connecticut Avenue, Suite 500, Washington, DC 20036, (counsel for the petitioner).

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An ex parte contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the

person(s) who filed the comment, to which the reply is directed, constitutes an ex parte presentation and shall not be considered in the proceeding.

Federal Communications Commission.

**Charles Schott,**

Chief, Policy and Rules Division, Mass Media Bureau.

## Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§0.61, 0.204(b) and 0.283 of the Commission's Rules, It Is Proposed To Amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file

comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, DC

[FR Doc. 86-9134 Filed 4-23-86; 8:45 am]

BILLING CODE 6712-01-M

## 47 CFR Part 73

[MM Docket No. 86-136; RM-5209]

### FM Broadcast Station in Huntingdon, PA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed Rule.

**SUMMARY:** Action taken herein proposes the substitution of Channel 278A for Channel 292A at Huntingdon, Pennsylvania, at the request of Huntingdon Broadcasters, Inc. The substitution of channels could permit expanded FM radio service to the Huntingdon area.

**DATE:** Comments must be filed on or before June 9, 1986, and reply comments on or before June 24, 1986.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

### SUPPLEMENTARY INFORMATION:

#### List of subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:



Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1982, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1983, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

In the matter of amendment of section 73.202(b), Table of Allotments, FM Broadcast Stations (Huntingdon, Pennsylvania) [MM Docket No. 86-136 RM-5209].

Adopted: April 7, 1986.

Released: April 17, 1986.

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration the petition for rule making submitted on behalf of Huntingdon Broadcasting, Inc. ("petitioner") requesting the substitution of FM Channel 230A for Channel 292A at Huntingdon, Pennsylvania.<sup>1</sup> Petitioner also requests that its license for Station WRLR be modified to specify operation on the new channel.

2. Petitioner claims that Station WRLR, at its present transmitter site, experiences substantial shadowing within its coverage area due to the mountainous terrain in and around Huntingdon. Petitioner states that the substitution of channel would permit it to relocate the station's transmitter to a mountain top site where it would be able to increase its facilities to the maximum for Class A operations and would enable Station WRLR to provide service to an additional 71,000 persons.

3. Channel 278A can be allocated to Huntingdon in compliance with the Commission's minimum distance separation and other technical requirements if the transmitter site is restricted to an area at least 1.9 kilometers (1.2 miles) north to avoid short-spacing to unoccupied and unapplied for Channel 279A at McConnellsburg, Pennsylvania. The site restoration will permit use of the channel at petitioner's preferred site. Additionally, the Canadian government must concur in this allocation since Huntingdon is located within 320

kilometers (199 miles) of the U.S.-Canada border.

4. In view of the above, we believe the public interest would be served by proposing the channel substitution as it could provide FM service to a larger area around Huntingdon. We also propose to modify the license of Station WRLR to specify operation on Channel 278A in lieu of Channel 292A. The procedures outlined in § 1.420(g) of the Commission's rules do not apply to this proceeding since no upgrade in channel classification is proposed. See *Modification of FM and TV Station Licenses*, 98 F.C.C. 2d 916 (1984).

#### PART 73—[AMENDED]

5. Accordingly, we propose to amend the FM Table of Allotments, § 73.202(b) of the Commission's rules, for the community listed below, to read as follows:

City	Channel No.	
	Present	Proposed
Huntingdon, PA	292A	278A

6. It is ordered, That the Secretary shall send, By Certified Mail, Return Receipt Requested, a copy of this Notice of Proposed Rule Making to Juniata College, licensee of Station WKVR-FM, Huntingdon, PA 16652.

7. The Commission's authority to institute rule making proceedings showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

8. Interested parties may file comments on or before June 9, 1986, and reply comments on or before June 24, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Francis E. Fletcher, Jr. Esq., Lynn M. Clancy, Esq., Gardner, Carton & Douglas, 1875 Eye Street NW., Suite 1050, Washington, DC 20006-5472 (Its Attorneys).

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's rules. See, *Certification that sections 603 and*

*604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

#### Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's rules, It is Proposed To Amend the FM Table of Allotments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

<sup>1</sup> The petition, as filed, requested Channel 230A. However, that channel conflicts with the pending request to substitute Channel 230B1 for Channel 228A at nearby Clearfield, Pennsylvania [RM-5189]. Our staff engineering study indicates that Channel 278A can be allocated to Huntingdon in compliance with the Commission's minimum distance separation requirements and utilized at petitioner's preferred site. Therefore, to resolve the conflict with the Clearfield proposal, we shall propose Channel 278A for consideration herein. We note that the channel is currently utilized by Station WKVR-FM, licensed to Juniata College. However, Station WKVR-FM is a Class D secondary station and thus must vacate the channel should its use be sought for a full service facility.



3. **Cut-off Procedures.** The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. **Comments and Reply Comments; Service.** Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. **Number of Copies.** In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. **Public Inspection of Filings.** All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, DC

[FR Doc. 86-9133 Filed 4-23-86; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for *Lupinus aridorum* (Scrub Lupine)

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Service proposes to determine a plant in the pea family, *Lupinus aridorum* (scrub lupine), to be an endangered species pursuant to the Endangered Species Act of 1973 (Act), as amended. This plant has been found at only 15 sites in Orange and Polk Counties, Florida; fewer than 350 individual plants are known to exist. All sites are on privately owned property and are highly desirable for residential and commercial development. The species currently receives no Federal or State protection. Populations have already suffered losses from home building, road construction, off-road vehicle use, and/or land clearing for pastures and other purposes. This rule proposes the Federal protection and the recovery provisions afforded by the Act for *Lupinus aridorum*. Comments are solicited.

**DATES:** Comments from all interested parties must be received by June 23, 1986. Public hearing requests must be received by June 9, 1986.

**ADDRESSES:** Comments and materials concerning this proposal should be sent to the Jacksonville Endangered Species Field Station, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Mr. David J. Wesley, Endangered Species Field Supervisor, at the above address (904/791-2580, or FTS 946-2580).

#### SUPPLEMENTARY INFORMATION: Background

*Lupinus aridorum*, a member of the pea family (Fabaceae), was first collected by Meislahn in 1900 in Orange County, Florida. It was not collected again until McFarlin found it in Polk County in 1928 and 1937. Renewed efforts by Beckner in the early 1970's, and again in the early 1980's by Beckner and Wunderlin, greatly expanded knowledge of the distribution of the species in both Orange and Polk

Counties. Beckner recognized and named the species as distinct in 1982. Prior to that, the plants were variously misidentified by workers as *Lupinus diffusus* and *Lupinus westianus*. Since the plant was described as a full species by Beckner, there have been no alternative taxonomic treatments.

*Lupinus aridorum* is a biennial or short-lived perennial growing from a soft woody base; the stems are up to one meter (3 feet) tall. Its leaves are obovate-elliptic in shape, 4-7 centimeters (1.5-2.8 inches) long, and 2-4 centimeters (0.8-1.5 inches) wide. The ends of the leaves are rounded, with sharp pointed tips and the bases are rounded; the upper and lower surfaces are covered with silvery hairs. The petioles are 2-4.5 centimeters (0.8-1.8 inches) long; the stipules are very small. The inflorescences are racemose with stalks 4-13 centimeters (1.5-5.2 inches) long, and the flowering portion 4-15 centimeters (1.5-5.8 inches) long. The petals are pale flesh-pink except for the standard, which has a black center surrounded by a maroon-red area. The standard is about 1.5 centimeters (0.5 inch) long, the wing petals about 1.4 centimeters (0.5 inch) long, and the keel petals slightly shorter. The fruit is 2-2.5 centimeters (0.8-1 inch) long, woody, and elliptic in shape, tapering to a sharp apex.

*Lupinus aridorum* is distinctive in the field, being the only upright pink-flowered lupine in Florida. It is further distinguished from the only other pink-flowered lupine, the prostrate *Lupinus villosus*, by the lack of long, shaggy hairs on stems and leaves, and vestigial (rather than large and conspicuous) stipules. It is most closely related to *Lupinus westianus* of the Florida Panhandle, but differs in flower color, *Lupinus westianus* having blue flowers.

*Lupinus aridorum* is endemic to central Florida. It is known from Orange County, between the city of Orlando and Walt Disney World, and from Polk County, between Winter Haven and Auburndale. This plant is a sand-pine scrub species that grows primarily in well drained sandy soils of the Lakewood or St. Lucie series. The sands are white or occasionally yellow where the turkey oak woods have invaded the sand pine scrub. The tree layer may be a mixture of *Pinus clausa* (sand pine), *Pinus elliotii* (slash pine), and *Quercus laevis* (turkey oak) (Wunderlin 1982). The scrub layer is usually sparse, possibly as a result of disturbance at many of the sites where the lupine occurs. The most frequent shrubs include *Ceratiola ericoides* (rosemary), *Quercus geminata* (scrub live oak),



*Lyonia ferruginea* (rusty lyonia), *Palafoxia feayi*, *Ximenia americana* (tallowwood), and scattered *Sabal palmetto* (cabbage palm). The herbaceous layer is dominated by *Aristida stricta* (wiregrass) intermixed with *Pityopsis graminifolia*, *Helianthemum nashii*, *Rhynchospora megalocarpa*, *Bonamia grandiflora*, *Polygonella myriophylla*, and *Opuntia humifusa* (prickly-pear cactus). In the open areas, *Selaginella arenicola* (sand spikemoss) is often common. All currently known populations of *Lupinus aridorum* are on privately owned land. They are in danger of extirpation because they occur in two of the most rapidly growing areas of Florida and the land on which they occur has high potential for development.

On December 15, 1980, the Service published in the Federal Register (45 FR 82480) its Review of Plant Taxa for listing as Endangered or Threatened. On November 28, 1983 (48 FR 53640), the Service published a supplement to this review. *Lupinus aridorum*, which had not been named when the 1980 review was published, was listed in the 1983 supplement as a category-2 species (those candidate species for which the Service needs additional information before proceeding with a proposal). The 1985 updated version of the review (September 27, 1985; 50 FR 39526) included *Lupinus aridorum*, as a category-1 species (those candidate species for which the Service possesses information indicating listing is appropriate).

For procedural reasons, plant taxa in the 1980 review, 1983 supplement, and 1985 review are treated as being under petition. Section 4(b)(3)(B) of the Endangered Species Act, as amended in 1982, requires the Service to make findings on pending petitions within 12 months of their receipt. On October 12, 1984, and again on October 11, 1985, the Service made its 12-month finding that listing of *Lupinus aridorum* was warranted, and that although pending proposals had precluded its proposal, expeditious progress was being made to add other species to the list. Biological data, supplied by Wunderlin in 1984, now fully a proposed rule listing *Lupinus aridorum* as endangered. The present proposed rule constitutes the next 12-month finding requirement of Section 4(b)(3)(B) of the Act for this species.

#### Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing

provisions of the Act set forth the procedures for adding species to the Federal Lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in Section 4(a)(1). These factors and their application to *Lupinus aridorum* McFarlin ex Beckner (scrub lupine) are as follows:

**A. The present or threatened destruction, modification, or curtailment of its habitat or range.** *Lupinus aridorum* is known from only 15 sites (Wunderlin 1984). Ten of these are in Orange County between the city of Orlando and Walt Disney World. Orlando has been, and continues to be, one of the most rapidly growing cities in Florida. The sites on which the scrub lupine are growing are prime property for development. Five sites for the scrub lupine are in Polk County, near the towns of Winter Haven and Auburndale. These are also rapidly expanding communities whose growth threatens the continued existence of the scrub lupine.

Altogether, about 339 plants of *Lupinus aridorum* are known to exist, most of which occur in habitats that have already been highly modified, or are threatened by housing developments, road construction and maintenance, conversion to pastureland, pedestrian, horse, and off-road vehicular traffic. All of the presently known habitat is privately owned, and subject to development or modification by the landowners at any time.

**B. Overutilization for commercial, recreational, scientific, or educational purposes.** Although the scrub lupine has not been in commercial trade, it is a large and attractive plant when in bloom and has the potential to be used as a decorative landscape addition. The attractive nature of the scrub lupine and its potential for landscaping use is emphasized by the fact that at one site, where a single large plant (seven feet in diameter) was growing, the landowner actually divided a fence he was building in order to avoid destroying it (Wunderlin 1984). The scrub lupine is only sporadically collected for scientific purposes.

**C. Disease or predation.** Not applicable.

**D. The inadequacy of existing regulatory mechanisms.** There are currently no State or Federal laws that offer complete protection for this species. *Lupinus aridorum* is covered currently by the Preservation of Native Flora of Florida Act (Section 581.185-187 Florida Statutes). This statute includes prohibition concerning taking, transport, and the sale of listed plants, but

provides no habitat protection. The Endangered Species Act would offer needed recovery planning for the species.

**E. Other natural or manmade factors affecting its continued existence.** The scrub lupine is restricted in distribution and occurs in relatively small numbers (largest site has fewer than 100 plants). Such rarity increases species' vulnerability to disturbance and natural disasters.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Lupinus aridorum* as endangered. It occurs in two disjunct population centers (Orlando area and Winter Haven area) and is known from 15 sites. Human population pressures in both the Orlando and Winter Haven areas are increasing annually. Currently all 15 known populations, are on private lands and their continued existence is not secure. Critical habitat is not proposed for the scrub lupine for reasons discussed in the "Critical Habitat" section below.

#### Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate any habitat of a species which is considered to be critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat threatened. The Service finds that designation of critical habitat is not prudent for *Lupinus aridorum* at this time. This species is a large plant which bears attractive pink flowers. There are indications that it might be a desirable species for landscaping purposes. In addition, it occurs very near to areas of high human concentration where it could readily be found and vandalized. The identification of the precise sites where populations occur, through publication of critical habitat descriptions and maps in the Federal Register, might increase the threats to the species. It would be difficult to safeguard it from curiosity seekers or vandals. In addition, critical habitat benefits apply only when Federal activities and/or Federal lands are involved. The scrub lupine occurs only on privately owned lands where no Federal involvements are known at present. Therefore, there would be no benefits to this species by the designation of critical habitat. Because



of these factors, the Service finds that a designation of critical habitat for *Lupinus aridorum* is not prudent.

#### Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402, and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to insure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. Since all presently known sites for *Lupinus aridorum* are on privately owned land, there will be no effect from the above requirement unless a private activity requires some Federal action, such as funding or issuance of permits.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it

illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell, or offer for sale listed species in interstate or foreign commerce, or to remove such species from Federal lands and reduce them to possession. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. With respect to *Lupinus aridorum*, it is anticipated that few trade permits would ever be sought or issued since the species is not known to be in cultivation and is scarce in the wild. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235-1903).

#### Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

- (1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;
- (2) the location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by Section 4 of the Act;
- (3) additional information concerning the range and distribution of this species; and
- (4) current or planned activities in the subject area and their possible impacts on this species.

Final promulgation of the regulation on *Lupinus aridorum* will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Field Supervisor,

Endangered Species Field Station, 2747 Art Museum Drive, Jacksonville, Florida 32207.

#### National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

#### References Cited

- Beckner, J. 1982. *Lupinus aridorum* J.B. McFarlin ex Beckner (Fabaceae), a new species from central Florida. *Phytologia* 50:209-211.
- Wunderlin, R.P. 1982. Guide to the vascular plants of central Florida. University Presses of Florida, 472 pp.
- Wunderlin, R.P. 1984. Endangered and threatened plant status survey, *Lupinus aridorum* McFarlin ex Beckner. Unpublished report prepared under contract with U.S. Fish and Wildlife Service.

#### Author

The primary author of this proposed rule is John L. Paradiso, U.S. Fish and Wildlife Service, Endangered Species Field Station, 2747 Art Museum Drive, Jacksonville, Florida 32207 (904/791-2580 or FTS 946-2580).

#### List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

#### Proposed Regulation Promulgation

#### PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 continues to read as follows:

**Authority:** Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 et seq.).

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under Fabaceae, to the List of Endangered and Threatened Plants:

#### § 17.12 Endangered and threatened plants.

- \* \* \* \* \*
- (h) \* \* \*



Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Fabaceae—Pea family:						
<i>Lupinus aridorum</i> .....	Scrub lupine.....	U.S.A. (FL).....	E.....	.....	NA	NA

Dated: April 1, 1986.

Susan Recce,

Deputy Assistant Secretary for Fish and  
Wildlife and Parks.

[FR Doc. 86-9116 Filed 4-23-86; 8:45 am]

BILLING CODE 4310-55-M



## Notices

Federal Register

Vol. 51, No. 79

Thursday, April 24, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### ADVISORY COUNCIL ON HISTORIC PRESERVATION

**Programmatic Memorandum of Agreement Regarding the Management of Historic Properties on Lands Affected by the Issuance of Federal Right-of-way by the California State Office, Bureau of Land Management for the San Joaquin Pipeline Project, California**

**AGENCY:** Advisory Council on Historic Preservation.

**ACTION:** Notice.

**SUMMARY:** The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement pursuant to § 800.8 of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), with the California State Office, Bureau of Land Management, and the California State Historic Preservation Officer providing for the management of historic properties found on lands affected by the issuance of a Federal right-of-way for the San Joaquin Pipeline Project by the California State Office, Bureau of Land Management. The proposed Programmatic Memorandum of Agreement will establish mechanisms by which historic properties will be identified, evaluated and protected in order to meet the requirements of section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

**DATE:** Comments Due: May 27, 1986.

**FOR FURTHER INFORMATION CONTACT:** Additional information regarding this Programmatic Memorandum of Agreement is available from the Executive Director, Advisory Council on Historic Preservation, Western Division of Project Review, 730 Simms Street, Room 450, Golden, Colorado 80401, telephone (303) 236-2682.

Dated: April 17, 1986.

John M. Fowler,

Acting Executive Director.

[FR Doc. 86-9211 Filed 4-23-86; 8:45 am]

BILLING CODE 4310-10-M

### DEPARTMENT OF AGRICULTURE

#### Office of Grants and Program Systems

#### National Agricultural Research and Extension Users Advisory Board; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the Office of Grants and Program Systems announces the following meeting:

**Name:** National Agricultural Research and Extension Users Advisory Board.

**Date:** May 9, 1986.

**Time:** 8:00 a.m.—12:00 Noon, May 9, 1986.

**Place:** Picadilly Inn-Airport (8:00-12:00 Noon), 5115 E. McKinley, Fresno, California 93727.

**Type of meeting:** Open to the public. Persons may participate in the meeting and site visits as time and space permit.

**Comments:** The public may file written comments before or after the meeting with the contact person below.

**Purpose:** The Board will be meeting to discuss a variety of issues that characterize the unique nature of California agriculture including the diversity of Fresno County agriculture, soil salinity and drainage problems, dairy issues, and the harvesting and production problems pertaining to perishable commodities. In preparation for this meeting, the Board will make site visits at these locations:

California Agriculture Technology Institute (7:30-12:00 Noon, 5/7/86), Fresno State University, Fresno, California

Broadview Water District (2:00-3:30 p.m., 5/7/86, Mendota, California)  
Maddox Dairy (8:00-10:00 a.m., 5/8/86), Burrell, California

George Brothers Packing House (10:30-12:00 Noon), 5/8/86, Soltana, California

Kearney Experiment Station (2:15-5:00 p.m., 5/8/86) Parlier, California.

**Contact person for agenda and more information:** Marshall Tarkington, Executive Secretary, National

Agricultural Research and Extension Users Advisory Board; Room 316-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250; telephone (202) 447-3684.

Done in Washington, DC, this 21st day of April 1986.

Clare I. Harris,

Acting Administrator, Office of Grants and Program Systems.

[FR Doc. 86-9369 Filed 4-23-86; 10:50 am]

BILLING CODE 3410-MT-M

### Soil Conservation Service

#### Oil Springs School Flood Prevention RC&D Measure, Kentucky

**AGENCY:** Soil Conservation Service, USDA.

**ACTION:** Notice of a Finding of No Significant Impact.

**SUMMARY:** Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); The Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Oil Springs School Flood prevention RC&D Measure, Johnson County, Kentucky.

**FOR FURTHER INFORMATION CONTACT:** Randall W. Giessler, State Conservationist, Soil Conservation Service, 333 Waller Avenue, Lexington, KY 40540, telephone: 606-233-2749.

**SUPPLEMENTARY INFORMATION:** The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Randall W. Giessler, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for reducing flooding of the Oil Springs School, gymnasium, shop building, driveway, parking lot, and a portion of the school yard. The planned works of improvement include: Cleaning out and enlarging 250 feet of an existing diversion ditch, sealing the foundation and walls of the buildings with a water



tight sealing system, raising the air vents for crawl spaces under the buildings, placing flood barriers at all entrances, and installing sump pumps.

The Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State and local agencies, and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Randall W. Giessler.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the *Federal Register*.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.901—Resource Conservation and Development—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

Dated: April 18, 1986.

Randall W. Giessler,  
State Conservationist.

[FR Doc. 86-9159 Filed 4-23-86; 8:45 am]  
BILLING CODE 3410-16-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### The Institute for Organomic Science; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

##### Correction

In FR Doc. 86-8169 appearing on page 12535, in the middle column, in the issue of Friday, April 11, 1986, the Docket No. in the second paragraph was incomplete. It is corrected to read "Docket No. 85-258".

BILLING CODE 1505-01-M

[A-588-504]

#### Postponement of Final Antidumping Duty Determination: Erasable Programmable Read Only Memories (EPROM's) From Japan

AGENCY: International Trade  
Administration, Commerce.

ACTION: Notice.

**SUMMARY:** This notice informs the public that we have received requests from all of the respondents in this investigation to postpone the final determination, as permitted in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A)). Based on these requests, we are postponing our

final determination as to whether sales of EPROMs from Japan have occurred at less than fair value until not later than July 30, 1986. We are also postponing our public hearing from April 25, 1986 until May 27, 1986.

**EFFECTIVE DATE:** April 24, 1986.

**FOR FURTHER INFORMATION CONTACT:** David Mueller, William Kane, or Raymond Busen, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-2923, 377-1766, or 377-3464.

**SUPPLEMENTARY INFORMATION:** On October 28, 1985, we published a notice in the *Federal Register* (50 FR 43603) that we were initiating, under section 732(c) of the Act, (19 U.S.C. 1673a(c)), an antidumping duty investigation to determine whether EPROMs from Japan were being, or were likely to be, sold at less than fair value. On November 14, 1985, the International Trade Commission determined that there is a reasonable indication that imports of EPROMs are materially injuring a U.S. industry. On March 17, 1986, we published a preliminary determination of sales at less than fair value with respect to this merchandise (51 FR 9087). The notice stated that if the investigation proceeded normally, we would make our final determination by May 27, 1986.

Pursuant to section 735(a)(2)(A) of the Act, all of the respondents in this investigation requested an extension of the final determination date. The respondents are qualified to make such a request because they account for a significant proportion of exports of the merchandise to the United States. If exporters who account for a significant proportion of exports of the merchandise under investigation properly request an extension after an affirmative preliminary determination, we are required, absent compelling reasons to the contrary, to grant the requests. Accordingly, we are granting the requests and postponing our final determination until not later than July 30, 1986.

##### Public Comment

In accordance with section 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 1 p.m. on May 27, 1986, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a

request to the Deputy Assistance Secretary, Import Administration, Room B-099, at the above address within 10 days of this notice's publication. Requests should contain (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by May 20, 1986. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

This notice is published pursuant to section 735(d) of the Act.

The United States International Trade Commission is being advised of this postponement, in accordance with section 735(d) of the Act.

Gilbert B. Kaplan,

Deputy Assistance Secretary for Import  
Administration.

April 17, 1986.

[FR Doc. 86-9142 Filed 4-23-86; 8:45 am]

BILLING CODE 3510-DS-M

[C-538-509]

#### Extension of the Deadline for Final Countervailing Duty Determination and Rescheduling of the Public Hearing; Porcelain-On-Steel Cooking Ware From Taiwan

AGENCY: Import Administration,  
Commerce.

ACTION: Notice.

**SUMMARY:** Based upon the request of petitioners, the Porcelain-On-Steel Committee of the Cookware Manufacturers Association and the General Housewares Corporation, the Department of Commerce is extending the deadline for its final determination in the countervailing duty investigation of porcelain-on-steel cooking ware from Taiwan to correspond to the date of the final determination in the antidumping investigation of the same product pursuant to section 705(a)(1) of the Tariff Act of 1930, as amended by section 606 of the Trade and Tariff Act of 1984 (Pub. L. 98-573). In addition, the Department of Commerce is rescheduling the public hearing.

**EFFECTIVE DATE:** April 24, 1986.

**FOR FURTHER INFORMATION CONTACT:** Laurel LaCivita or Mary Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street



and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-0189 or 377-2830.

#### SUPPLEMENTARY INFORMATION:

##### Case Histories

On December 4, 1985, we received antidumping and countervailing duty petitions filed by the Porcelain-On-Steel Committee of the Cookware Manufacturers Association and the General Housewares Corporation on porcelain-on-steel cooking ware from Taiwan.

In compliance with the filing requirements of section 353.36 of our regulations (19 CFR 353.36), the antidumping petition alleged that imports of porcelain-on-steel cooking ware from Taiwan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports materially injure, or threaten material injury to, a U.S. industry.

In compliance with the filing requirements of section 355.26 of our regulations (19 CFR 355.26), the countervailing duty petition alleged that manufacturers, producers, or exporters in Taiwan of porcelain-on-steel cooking ware directly or indirectly receive benefits which constitute subsidies within the meaning of section 701 of the act, and that these imports materially injure, or threaten material injury to, a U.S. industry.

We found that the petitions contained sufficient grounds on which to initiate antidumping and countervailing duty investigations, and on December 24, 1985, we initiated such investigations (50 FR 53353 and 50 FR 53354). On February 27, 1986, we issued a negative preliminary determination in the countervailing duty investigation (51 FR 7932). The preliminary determination in the antidumping investigation will be made on or before May 13, 1986.

On March 10, 1986, petitioners filed a request for extension of the deadline date for the final determination in the countervailing duty investigation to correspond with the date of the final determination in the antidumping investigation.

Section 705(a)(1) of the Tariff Act of 1930, as amended by section 606 of the Trade and Tariff Act of 1984, provides that when a countervailing duty investigation is "initiated simultaneously with an (antidumping) investigation . . . which involves imports of the same class or kind of merchandise from the same or other countries, the administering authority, if requested by the petitioner, shall extend

the date of the final determination (in the countervailing duty investigation) to the date of the final determination" in the antidumping investigation (19 U.S.C. 1671(a)(1)). Pursuant to this provision, the Department is granting an extension of the deadline for the final determination in the countervailing duty investigation of porcelain-on-steel cooking ware from Taiwan to July 28, 1986, the current deadline for the final determination in the antidumping investigation.

In addition, due to the extension of the final determination in the countervailing duty investigation, the Department of Commerce is rescheduling the date of the public hearing, originally set for April 3, 1986. This hearing, which was requested by the petitioners, will now be held at 10:00 a.m. on May 15, 1986, at the U.S. Department of Commerce, Room 1851, 14th Street and Constitution Ave., NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room B-099, at the above address within 10 days of the publication of this notice.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, at least 10 copies of pre-hearing briefs must be submitted to the Deputy Assistant Secretary by May 8, 1986. Oral Presentations will be limited to issues raised in the briefs.

In accordance with 19 CFR 355.33(d) and 19 CFR 355.34, written views will be considered if received within 10 days after the hearing transcript is available.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

April 16, 1986.

[FR Doc. 86-9143 Filed 4-23-86; 8:45 am]

BILLING CODE 3510-DS-M

[C-580-602]

#### Preliminary Negative Countervailing Duty Determination; Certain Stainless Steel Cooking Ware From the Republic of Korea

AGENCY: Import Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that no benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers,

or exporters in the Republic of Korea (Korea) of certain stainless steel cooking ware. The estimated net subsidy is 0.232 percent *ad valorem*. This rate is *de minimis*, and therefore our preliminary countervailing duty determination is negative. We have notified the United States International Trade Commission (ITC) of our determination.

If this investigation proceeds normally, we will make our final determination by June 30, 1986.

EFFECTIVE DATE: April 24, 1986.

#### FOR FURTHER INFORMATION CONTACT:

Rick Herring, David Levine, or Gary Taverman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-0187, 377-8498, or 377-0161.

#### SUPPLEMENTARY INFORMATION:

##### Preliminary Determination

Based upon the questionnaire responses, we preliminarily determine that the following programs are countervailable:

- Short-Term Export Financing under the Export Financing Regulations and Foreign Trade Financing Regulations;
- Tax Incentives for Exporters under Articles of the "Act Concerning the Regulation of Tax Reduction and Exemption"; and
- Unlimited Deduction of Overseas Entertainment Expenses under Article 18-2 of the Corporation Tax Law.

We preliminarily determine the estimated net subsidy to be 0.232 percent *ad valorem*. Although we have determined these programs to be countervailable, the respondents received *de minimis* benefits during the review period, calendar year 1985. Therefore, we preliminarily determine that no benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in Korea of certain stainless steel cooking ware.

##### Case History

On January 21, 1986, we received a petition filed in proper form by the Fair Trade Committee of the Cookware Manufacturers Association on behalf of the U.S. industry which manufactures certain stainless steel cooking ware. In compliance with the filing requirements of section 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleged that manufacturers, producers, or exporters in Korea of certain stainless



steel cooking ware receive, directly or indirectly, subsidies within the meaning of section 701 of the Act, and that these imports materially injure, or threaten material injury to, a U.S. industry.

We found that the petition contained sufficient grounds upon which to initiate a countervailing duty investigation, and on February 10, 1986, we initiated an investigation (51 FR 6019). We stated that we expected to issue a preliminary determination by April 16, 1986.

Since Korea is a "country under the Agreement" within the meaning of section 701(b) of the Act, an injury determination is required for this investigation. Therefore, we notified the ITC of our initiation. On March 4, 1986, the ITC determined that there is a reasonable indication that imports of certain stainless steel cooking ware from Korea materially injure, or threaten material injury to, a U.S. industry (51 FR 9541).

We presented questionnaires concerning the petitioner's allegations to the government of Korea at its embassy in Washington, DC on February 20, 1986. We received the responses to our questionnaires on March 26, 1986. There are seven Korean producers of the subject merchandise which accounted for over 75 percent of the exports to the United States during the period of review. They are Kyung Dong Industrial Company, Ltd., Namil Metal Company, Ltd., Il Shin Company, Ltd., Hai Dong Stainless Ind. Co., Woo Sung Company, Ltd., Dae Sung Industrial Company, Ltd., and Bum Koo Corporation. For the producers identified above, these trading companies account for substantially all of their trading company sales of the subject merchandise to the United States during the review period: Sammi Corporation, Daewoo Corporation, Korea Trading International Company, Samsung Company, Ltd., Haitali International, Inc., Sunkyoung Company, Ltd., Daewonsa Corporation, Hyundai Corporation, G.I. Corporation, Ssang Yong Corporation, and Dong Chang Company.

#### Scope of Investigation

The products covered by this investigation are all non-electric cooking ware of stainless steel which may have one or more layers of aluminum, copper, or carbon steel for more even heat distribution. These products are provided for in item number 653.94 of the *Tariff Schedules of the United States (TSUS)*. The products covered by this investigation are skillets, fry pans, omelette pans, sauce pans, double boilers, stock pots, sauce pots, dutch ovens, casseroles, steamers, and other

stainless steel vessels, all for cooking on stove top burners, except tea kettles. Excluded from the scope of investigation are stainless steel oven ware and stainless steel kitchen ware, which also are included under the 653.94 *TSUS* classification.

#### Analysis of Programs

Throughout this notice we refer to certain general principles applied to the facts of the current investigation. These general principles are described in the "Subsidies Appendix" attached to the notice of "Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina: Final Affirmative Countervailing Duty Determination and Order," which was published in the *Federal Register* on April 26, 1984 (49 FR 18006).

Consistent with our practice in preliminary determinations, where a response to an allegation denies the existence of a program, receipt of benefits, or eligibility of a company or industry under a program, and the Department has no persuasive evidence showing that the response is incorrect, we accept the response for purposes of the preliminary determination. All such responses are subject to verification. If the response cannot be supported at verification, and the program is otherwise countervailable, the program will be considered a subsidy in the final determination.

For purposes of this preliminary determination, the period for which we are measuring subsidies (the review period) is calendar year 1985. Based upon our analysis of the petition and the responses to our questionnaires, we preliminarily determine the following:

#### I. Programs Preliminarily Determined To Be Countervailable

We preliminarily determine that the following programs provide countervailable benefits to manufacturers, producers, or exporters in Korea of certain stainless steel cooking ware:

##### A. Short-Term Export Financing

Petitioner alleges that producers and exporters in Korea of certain stainless steel cooking ware receive preferential short-term export financing under the Export Financing Regulations.

The Export Financing Regulations were promulgated on February 25, 1982. On October 17, 1985, these regulations were terminated with the creation of the Foreign Trade Financing Regulations. These latter regulations provide the guidelines for short-term financing. Export financing takes the form of loans on bills related to export sales transactions. Eligibility is based upon

presentation of export documents or upon past export performance. Export loans based on past performance may not exceed 90 days, while loans based on specific export documents may not exceed 180 days and are limited to the terms of the applicable letter of credit. During our review period, the rate of interest charged on short-term export financing remained constant at ten percent, which was the ceiling established by the governor of the Bank of Korea.

Because only exporters are eligible for these loans, we determine that they are countervailable to the extent that they are provided at preferential rates. As specified in the Subsidies Appendix, we used the most appropriate national average commercial method of short-term financing as the benchmark rate for short-term loans.

During 1985, the interest rate on domestic short-term loans was allowed to vary from 10 to 11.5 percent. During our verification of *Offshore Platform Jackets and Piles from Korea*, we were told by the Bank of Korea, the Korea Development Bank, and two commercial banks that, although the interest rate is allowed to vary from 10 to 11.5 percent, commercial banks will usually charge the ceiling rate of 11.5 percent on all their lending. Therefore, we preliminarily determine that the average interest rate for short-term domestic financing is 11.5 percent. Comparing that benchmark interest rate to the interest rate charged on short-term export loans, we preliminarily determine that the export loans are provided on preferential terms, and thus constitute an export subsidy.

To determine the benefit provided under this program, we based our calculations on total export loans because the companies were unable to segregate specific loans to the products under investigation. We calculated the total amount of interest the companies would have paid at 11.5 percent on their short-term export loans and subtracted from that amount the actual amount of interest the companies paid at ten percent on their short-term export loans. We then allocated the difference over total export sales to calculate an estimated subsidy in the amount of 0.224 percent *ad valorem*.

##### B. Tax Incentives for Exporters

Petitioner alleges that manufacturers and exporters of the subject merchandise receive tax benefits under Articles 22, 23, and 24 of the "Act Concerning the Regulation of Tax Reduction and Exemption" which provide for the deduction from taxable



income of a number of different reserves covering export losses, overseas market development, and price fluctuation losses.

Under Article 22, a corporation may establish a reserve amounting to one percent of foreign exchange earnings, or 50 percent of net income in the applicable period, whichever is smaller. If certain export losses occur, they are offset from the reserve fund. If there are no offsets for export losses, the reserve is returned to the income account and taxed, after a one-year grace period, over a three-year period.

Under Article 23 governing overseas market development, a corporation may establish a reserve fund amounting to one percent of its foreign exchange earnings in the export business for the respective business year. Expenses incurred in developing overseas markets are offset from the reserve fund. Like the export loss reserve fund, if there are no offsets for expenses, the reserve is returned to the income account and taxed, after a one-year grace period, over a three-year period.

A price fluctuation reserve fund may be established under Article 24. A corporation may establish reserves equivalent to five percent of the book value of the products and works in progress which will be exported by the close of the business year. This reserve may be used to offset losses incurred from the fluctuation of prices for export goods by returning an amount equivalent to the losses to the income account. If not so utilized, the reserve is returned to the income account the following business year.

The balance in all three reserve funds is not subject to corporate tax, although all moneys in the reserve funds are eventually reported as income and subject to corporate tax either when they offset export losses or when the one-year grace period expires.

We preliminarily determine that these export reserve programs confer benefits which constitute export subsidies because they provide a deferral, contingent upon exports, of direct taxes. Because these export reserve funds constitute a deferral of tax liabilities, we treat the tax savings on these funds as short-term interest-free loans. Accordingly, we have quantified the benefits from the reserve funds by calculating the amount of tax savings and applying a rate of interest which the firm would have had to pay for a short-term loan (11.5 percent). Using this benchmark, we calculated an estimated subsidy of 0.005 percent *ad valorem*.

### C. Unlimited Deduction of Overseas Entertainment Expenses

Petitioner alleges that producers and exporters of the subject merchandise receive tax benefits in the form of entertainment expense deductions.

Under Article 18-2 of the Corporation Tax Act and supporting legislation, entertainment expenses for domestic clients and foreign clients ("overseas entertainment expenses") are eligible to be deducted from taxable income. The amount which can be deducted for domestic entertainment expenses is subject to a ceiling according to an established formula and depending on the amount of any overseas entertainment expenses claimed. There is no cap on overseas entertainment expenses. Because entertainment expense deductions are unlimited only for overseas clients, we preliminarily determine that this program confers benefits which constitute export subsidies, to the extent that the overseas expenses claimed are greater than those which would have been allowed using the domestic cap formula.

To calculate the benefit from this program for the review period, we took the amount of overseas entertainment expenses claimed in the companies' tax returns filed in 1985 exceeding the domestic cap. For those companies which did not provide their domestic cap amount, we took the amount of overseas entertainment expenses claimed exceeding the amount of domestic entertainment expenses claimed. We then divided that amount by the total value of exports in 1985, and calculated an estimated subsidy of 0.003 percent *ad valorem*.

### II. Programs Preliminarily Determined Not To Be Used

We preliminarily determine that manufacturers, producers, or exporters in Korea of certain stainless steel cooking ware did not use the following programs:

#### A. Tariff Reductions on Plant and Equipment

Petitioner alleges that certain Korean manufacturers receive special tariff reductions on imported plant and equipment. Article 28 of the Customs Law allows for reductions of import duties for certain industries on particular items designated by the Ministry of Finance. According to the responses of the government of Korea and the Korean companies, producers of the subject merchandise are not eligible for tariff reductions because Article 28 specifies that only machinery used in the production of machines and machine

parts, and machinery used in the manufacture of electronic goods are eligible for this program.

#### B. Free Export Zone Program

Petitioner alleges that firms located in free export zones receive certain tax incentives such as exemptions on corporate, residence, defense, and property taxes. According to the responses of the government of Korea and the Korean companies, no stainless steel cooking ware producers or trading companies selling cooking ware are located in the free export zones.

#### C. Export Credit Financing from the Export-Import Bank of Korea

Petitioner alleges that producers and exporters of certain stainless steel cooking ware may receive below market financing for pre-export projects and export transactions. Petitioner further alleges that the National Investment Fund (NIF) finances exports on a deferred payment basis. According to the response of the government of Korea, financing from the Export-Import Bank of Korea (KXMB) is only provided for large capital goods, and no such financing is provided for exports of consumer goods such as cooking ware. The only source of NIF deferred payment export loans is through the export credit financing program of the KXMB, and cooking ware exports are not eligible for such financing.

#### D. Export Guarantees from the KXMB

Petitioner alleges that producers of the subject merchandise receive advance payment export guarantees and performance export guarantees from the KXMB. According to the response of the government of Korea, the KXMB only provides such guarantees for exports of large capital goods and projects, and no guarantees are offered for sales of consumer goods such as stainless steel cooking ware.

#### E. Accelerated Depreciation

Petitioner alleges that producers of the subject merchandise receive accelerated depreciation benefits. Article 25 of the "Act Concerning the Regulation of Tax Reduction and Exemption" permits a firm earning more than 50 percent of its total proceeds in a business year from foreign exchange to increase its normal depreciation by 30 percent. If the corporation has received less than 50 percent of its total proceeds from foreign exchange, it can still claim some accelerated depreciation, determined by a formula based on the firm's foreign exchange earnings and total business earnings. According to the responses,



none of the firms investigated used accelerated depreciation under this program during the review period.

#### Verification

In accordance with sections 776(a) of the Act, we will verify data used in making our final determination.

#### ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

If our final determination is affirmative, the ITC will determine whether these imports materially injure, or threaten material injury to a U.S. industry within 75 days after the Department makes its final determination.

#### Public Comment

In accordance with § 355.35 of the Commerce Regulation, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m. on June 4, 1986 at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room B099, at the above address within 10 days after publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs with at least 10 copies of the confidential version and seven copies of the non-confidential version must be submitted to the Deputy Assistant Secretary by May 1986. Oral presentations will be limited to issues raised in the briefs. In accordance with 19 CFR 355.33(d) and 19 CFR 355.34, written views will be considered if received not less than 30 days before the final determination or, if a hearing is held, within 10 days after the hearing transcript is available.

This notice is published pursuant to section 703(f) of the Act (19 U.S.C. 1671b(f)).

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration

April 16, 1986.

[FR Doc. 86-9140 Filed 4-23-86; 8:45 am]

BILLING CODE 3510-DS-M

[C-583-604]

#### Preliminary Negative Countervailing Duty Determination; Certain Stainless Steel Cooking Ware from Taiwan

**AGENCY:** Import Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** We preliminarily determine that no benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Taiwan of certain stainless steel cooking ware. The estimated net subsidy is 0.005 percent *ad valorem*. This rate is *de minimis*, and therefore our preliminary countervailing duty determination is negative. We have notified the United States International Trade Commission (ITC) of our determination.

If this investigation proceeds normally, we will make our final determination by June 30, 1986.

**EFFECTIVE DATE:** April 24, 1986.

**FOR FURTHER INFORMATION CONTACT:** Jack Davies or Barbara Tillman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-1785 or 377-2438.

#### SUPPLEMENTARY INFORMATION:

##### Preliminary Determination

Based upon the questionnaire responses, we preliminarily determine that the Export Loss Reserves program is countervailable. We preliminarily determine the estimated net subsidy to be 0.005 percent *ad valorem*. Although we have determined this program to be countervailable, the respondents received *de minimis* benefits during the review period, calendar year 1985. Therefore, we preliminarily determine that no benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in Taiwan of certain stainless steel cooking ware.

#### Case History

On January 21, 1986, we received a petition filed in proper form by the Fair Trade Committee of the Cookware Manufacturers Association on behalf of the U.S. industry which manufactures certain stainless steel cooking ware. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleged that manufacturers, producers, or exporters in Taiwan of certain stainless steel cooking ware receive, directly or indirectly, subsidies within the meaning of section 701 of the Act, and that these imports materially injure, or threaten material injury to, a U.S. industry.

We found that the petition contained sufficient grounds upon which to initiate a countervailing duty investigation, and on February 10, 1986, we initiated the investigation (51 FR 6020). We stated that we expected to issue a preliminary determination by April 16, 1986.

Since Taiwan is entitled to an injury determination under section 701(b) of the Act, the ITC is required to determine whether imports of the subject merchandise from Taiwan materially injure, or threaten material injury to, a U.S. industry. Therefore, we notified the ITC of our initiation. On March 4, 1986, the ITC determined that there is a reasonable indication that imports of certain stainless steel cooking ware from Taiwan materially injure a U.S. industry (51 FR 9541).

We presented questionnaires concerning the petitioner's allegations to the American Institute in Taiwan in Washington, DC on February 20, 1986. We received responses to the questionnaires on March 13, 19, and 31, 1986. There are five producers of the subject merchandise in Taiwan which accounted for substantially all of the exports to the United States during the review period: Golden Lion Metal Industry Co., Ltd.; Song Far Co., Ltd.; Lyi Mean Industry Co., Ltd.; Crown Manufacturing Co., Ltd.; and First Stainless Steel Industry Co., Ltd. In addition, there are seven trading companies which exported 77 percent of the subject merchandise exported by these five producers to the United States during our review period. These trading companies are D&J Industrial Co., Ltd.; Jack-Tom Industrial Co., Ltd.; Transmark International Corp.; Fairview International Corp.; Collins Co., Ltd.; Atico Corp.; and Pan-Orient Industrial Corporation.

#### Scope of Investigation

The products covered by this investigation are all non-electric cooking



ware of stainless steel which may have one or more layers of aluminum, copper, or carbon steel for more even heat distribution. These products are provided for in item number 653.94 of the *Tariff Schedules of the United States* (TSUS). The products covered by this investigation are skillets, fry pans, omelette pans, sauce pans, double boilers, stock pots, sauce pots, dutch ovens, casseroles, steamers, and other stainless steel vessels, all for cooking on stove top burners, except tea kettles. Excluded from the scope of investigation are stainless steel oven ware and stainless steel kitchen ware, which are also included under the 653.94 TSUS classification.

#### Analysis of Programs

Throughout this notice, we refer to certain general principles applied to the facts of the current investigation. These principles are described in the "Subsidies Appendix" attached to the notice of "Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina; Final Affirmative Countervailing Duty Determination and Countervailing Duty Order," which was published in the April 26, 1984, issue of the *Federal Register* (49 FR 18006).

Consistent with our practice in preliminary determinations, where a response to an allegation denies the existence of a program, receipt of benefits, or eligibility of a company or industry under a program, and the Department has no persuasive evidence showing that the response is incorrect, we accept the response for purposes of the preliminary determination. All such responses are subject to verification. If the response cannot be supported at verification, and the program is otherwise countervailable, the program will be considered a subsidy in the final determination.

For purposes of this preliminary determination, the period for which we are measuring subsidies (the review period) is calendar year 1985. Based upon our analysis of the petition and the responses to our questionnaires, we preliminarily determine the following:

#### I. Program Preliminarily Determined to be Countervailable

We preliminarily determine that the following program provides countervailable benefits to manufacturers, producers, or exporters in Taiwan of certain stainless steel cooking ware:

##### Export Loss Reserves

Article 31 of the Statute for Encouragement of Investment (SEI) permits exporters to establish an export

loss reserve of up to one percent of the previous year's export exchange settlement to be used exclusively for compensating export losses. Companies treat the export loss reserve as a business expense and deduct it from taxable income in one year, then balance the account and carry the reserve funds forward as taxable income for the next year. Song Far Industry Co., Ltd., a producer of certain stainless steel cooking ware, reported that it used this program during the review period.

Because export loss reserves are contingent on export sales, we preliminarily determine that it confers a benefit which constitutes an export subsidy. To calculate the benefit, we treated the tax savings from the export loss reserve as a one-year interest-free loan. We compared the interest-free rate with the maximum short-term lending rate set by the Central Bank, multiplied the difference by the amount of the tax savings, then allocated the benefit over the value of Song Far's 1985 exports of all products. The estimated net subsidy is 0.005 percent *ad valorem*.

#### II. Programs Preliminarily Determined Not to be Used

We preliminarily determine that manufacturers, producers, or exporters in Taiwan of certain stainless steel cooking ware do not use the following programs:

##### A. Preferential Export Financing

The Export Loan Discount Regulations of the Central Bank of China permit registered exporters to apply for low-cost export loans upon presentation of a letter of credit. Authorized commercial banks provide export loans at normal commercial rates, then apply for interest rate reductions from the Central Bank. If the Central Bank approves the reduction, commercial banks correspondingly reduce the lending rate to the exporters. The responses stated that none of the companies under investigation obtained export financing under this program during the review period.

##### B. Preferential Income Tax Ceiling-22 Percent

Article 15 of the SEI permits capital-intensive and/or technology-intensive enterprises engaged in the basic metal production industry, heavy machinery industry, or petrochemical industry to use a marginal tax rate of 22 percent instead of the 35 percent rate required by Taiwan's income tax law. The responses stated that none of the companies under investigation claimed

the 22 percent income tax rate during the review period.

##### C. Accelerated Depreciation and Tax Holiday

Article 6 of the SEI allows newly established "productive enterprises" either to use accelerated depreciation on fixed assets, machinery, and equipment or to select a five-year holiday on corporate income taxes. In addition, expanding firms may participate in a four-year tax holiday on increased profits from expansion or a rapid depreciation of newly purchased buildings or equipment. The responses stated that none of the companies under investigation applied for or received benefits under Article 6 of the SEI during the review period.

##### D. Duty Exemptions and Deferrals on Imported Equipment

Article 21 of the SEI allows productive enterprises to pay import duties and dues on selected capital equipment in a series of installments beginning one year from the date of importation. In addition, qualified enterprises are exempt from import duties on selected machinery and equipment used for the establishment or expansion of an approved project or for research and development. The responses stated that none of the companies under investigation used duty exemptions or deferrals on imported equipment during the review period.

##### E. Preferential Long-Term Loans

Article 84 of the SEI permits the Executive Yuan to establish and administer a special development fund to promote investments of interest to national economic development. The response stated that none of the companies under investigation obtained Article 84 loans or other assistance under Article 84 during the review period.

#### Verification

In accordance with section 776(a) of the Act, we will verify the data used in making our final determination.

#### ITC notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or



under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

If our final determination is affirmative, the ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry within 75 days after the Department makes its final affirmative determination.

#### Public comment

In accordance with section 355.35 of the Commerce Regulations, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m. on May 29, 1986, at the U.S. Department of Commerce, Room 1414, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room B-099, at the above address within 10 days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, pre-hearing briefs with at least 10 copies of the confidential version and seven copies of the non-confidential version must be submitted to the Deputy Assistant Secretary by May 23, 1986. Oral presentations will be limited to issues raised in the briefs.

In accordance with 19 CFR 355.33(d) and 19 CFR 355.34, written views will be considered if received not less than 30 days before the final determination or, if a hearing is held, within 10 days after the hearing transcript is available.

This notice is published pursuant to section 703(f) of the Act (19 U.S.C. 1671b(f)).

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

April 16, 1986.

[FR Doc. 86-9141 Filed 4-23-86; 8:45 am]

BILLING CODE 3510-DS-M

#### International Trade Administration,

#### Short Supply Review on Certain Ungalvanized Steel Rope; Request for Comments

**AGENCY:** International Trade Administration/Import Administration, Commerce.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of Commerce hereby announces its review of a request for a short supply determination under Article 8 of the U.S.-EC Arrangement on Certain Steel Products with respect to certain ungalvanized steel wire rope.

**EFFECTIVE DATE:** Comments must be submitted no later than ten days from publication of this notice.

**ADDRESS:** Send all comments to Nicholas C. Tolerico, Acting Director, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, 14th and Constitution Ave., NW., Washington, DC 20230, Room 3099.

**FOR FURTHER INFORMATION CONTACT:** Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, 14th and Constitution Ave., NW., Washington, DC 20230, Room 3099, (202) 377-0159.

**SUPPLEMENTARY INFORMATION:** Article 8 of the U.S.-EC Arrangement on Certain Steel Products provides that if the U.S. "... determines that because of abnormal supply or demand factors, the U.S. steel industry will be unable to meet demand in the USA for a particular product (including substantial objective evidence such as allocation, extended delivery periods, or other relevant factors), an additional tonnage shall be allowed for such product . . . ."

We have received a short supply request for certain ungalvanized, high strength steel wire rope that is used as hoist lines for certain tower cranes, with a nominal diameter ranging from 18 to 22 mm.

Any party interested in commenting on this request should send written comments as soon as possible, and no later than ten days from publication of this notice. Comments should focus on the economic factors involved in granting or denying this request.

Commerce will maintain this request and all comments in a public file. Anyone submitting business proprietary information should clearly identify that portion of their submission and also provide a non-proprietary submission which can be placed in the public file. The public file will be maintained in the Central Records Unit, Import Administration, U.S. Department of Commerce, Room B-099 at the above address.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

April 21, 1986.

[FR Doc. 86-9212 Filed 4-23-86; 8:45 am]

BILLING CODE 3510-DS-M

#### National Oceanic and Atmospheric Administration

#### Marine Mammals; Application for Permit; Dr. James R. Gilbert (P274B)

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

##### 1. Applicant:

a. Name Dr. James R. Gilbert, Associate Professor of Wildlife Resources.

b. Address 216 Nutting Hall, Orono, Maine 04469.

##### 2. Type of Permit: Scientific Research.

3. Name and Number of Marine Mammals: *Phoca vitulina concolor* (Western North Atlantic Harbor Seal) 150.

4. Type of Take: Capture, Double Flipper Tag and Release.

5. Location of Activity: Mid-Coast Maine Bays, primarily Blue Hill, Jericho, and Penobscot Bays.

6. Period of Activity: 5 Years.

Concurrent with the publication of this notice in the *Federal Register*, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, DC;

Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.



Dated: April 17, 1986.

Richard B. Roe,

Director, Office of Fisheries Management,  
National Marine Fisheries Service.

[FR Doc. 86-9187 Filed 4-23-86; 8:45 am]

BILLING CODE 3510-22-M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Adjusting the Import Restraint Limit for Certain Wool Textile Products Produced or Manufactured in Yugoslavia

April 18, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on April 25, 1986. For further information contact Eve Anderson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

#### Background

On December 26, 1985 a notice was published in the *Federal Register* (50 FR 52833), which announced, among other things, the establishment, under the Bilateral Textile Agreement of October 26 and 27, 1978, as amended and extended, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia, of a specific limit for men's boys' and wool and man-made fiber suits in Category 443/643, produced or manufactured in Yugoslavia and exported during the twelve-month period which began on January 1, 1986 and extends through December 31, 1986. Under the terms of the bilateral agreement the sublimit for Category 443 is being reduced by 497 dozen, from 8,365 dozen to 7,868 dozen, to account for carryforward used in the previous year.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff

Schedules of the United States  
Annotated (1986).

Ronald I. Levin,

Acting Chairman, Committee for the  
Implementation of Textile Agreements.

April 18, 1986.

### Committee for the Implementation of Textile Agreements

Commissioner of Customs,  
Department of the Treasury, Washington,  
D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 20, 1985, which directed you to prohibit entry of certain wool and man-made fiber textile products, produced or manufactured in Yugoslavia.

Effective on April 25, 1986, the directive of December 20, 1985 is hereby amended to include the following adjusted sublimit for wool textile products in Category 443:

Category	Adjusted restraint limit <sup>1</sup>
443/643...	21,348 dozen of which not more than 7,868 dozen shall be in Category 443.

<sup>1</sup> The limits have not been adjusted to reflect any imports exported after December 31, 1985.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553 (a)(1).

Sincerely,

Ronald I. Levin.

Acting Chairman, Committee for the  
Implementation of Textile Agreements.

[FR Doc. 86-9173 Filed 4-23-86; 8:45 am]

BILLING CODE 3510-DR-M

### Requesting Public Comment on Bilateral Textile Consultations With the Government of India on Category 641

April 18, 1986.

On March 31, 1986, the Government of the United States requested consultations with the Government of India with respect to Category 641 (women's, girls' and infants' woven blouses of man-made fibers). This request was made on the basis of the bilateral agreement of December 21, 1982, as amended, between the Governments of the United States and India relating to trade in cotton, wool and man-made fiber textiles and textile products. The agreement provides for consultations when the orderly development of trade between the two countries may be impeded by imports due to market disruption, or the threat thereof.

The purpose of this notice is to advise that, pending agreement on a mutually satisfactory solution concerning this category, the Government of the United States has decided to control imports during the ninety-day consultation

period which began on March 31, 1986 and extends through June 28, 1986 at a level of 187,411 dozen. If no solution is agreed upon in consultations between the two governments, CITA, pursuant to the agreement, may establish a prorated specific limit of 485,876 dozen for Category 641 for the entry and withdrawal from warehouse for consumption of textile products, produced or manufactured in India and exported during the period beginning on June 29, 1986 and extending through December 31, 1986.

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit imports of man-made fiber textile products in Category 641, produced or manufactured in India and exported during the ninety-day period which began on March 31, 1986 and extends through June 28, 1986 in excess of the established limit. In the event the limit established for the ninety-day period is exceeded, such excess amounts, if allowed to enter, may be charged to the level established during the subsequent restraint period.

A summary market statement for this category follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Category 641 under the agreement with India, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in the category, is invited to submit such comments or information in ten copies to Mr. Ronald I. Levin, Acting Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC, and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption



contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Ronald L. Levin,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

#### India—Market Statement

##### Category 641—Women's, Girls' and Infants' Non-knit Blouses

March 1986.

#### Summary and Conclusions

U.S. imports of Category 641 from India were 574,000 dozens during the year ending January 1986, an 83 percent increase over the year ending January 1985 level. India is the seventh largest supplier of Category 641 and the largest uncontrolled supplier, accounting for 6 percent of the total imports in that category. In 1984, imports of Category 641 from India grew 37 percent from 220,000 dozen in 1983 to 301,000 dozen in 1984.

The sharp and substantial increase of low-valued imports of Category 641 from India is disrupting the U.S. market from women's, girls' and infants' non-knit blouses.

#### U.S. Production and Market Share

U.S. production of Category 641 declined 10 percent in 1984 from 20.9 million dozen in 1983 to 18.7 million dozen. U.S. production in 1984 was flat compared to 1982. Nevertheless, U.S. producers' share of the market declined from 78.1 percent in 1982 to 73.5 percent in 1984.

#### U.S. Imports and Import Penetration

Between 1982 and 1984 imports of Category 641 grew from 5.2 million dozen to 6.8 million dozen a 29 percent increase. Imports continued to grow in 1985, rising 39 percent to 9.4 million dozen. The ratio of imports to domestic production has grown steadily, from 28.1 percent in 1982 to 36.1 percent in 1984.

#### Duty-Paid Value and U.S. Producers' Price

Approximately 83 percent of India's 1985 imports of Category 641 entered under TSUSA No. 384.9110 (previously 383.9010)—women's man-made fiber blouses and shirts, yarn-dyed not knit or ornamented and TSUSA No. 384.9115 (previously 383.9015)—women's other man-made fiber blouses and shirts, not knit or ornamented. These garments enter the U.S. at landed, duty-paid values below the U.S. producers' price for comparable garments.

April 18, 1986.

#### Committee for the Implementation of Textile Agreements

Commissioner of Customs,

*Department of the Treasury, Washington, D.C. 20229.*

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 21, 1982, as amended, between the Governments of the

United States and India; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on April 25, 1986, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 641, produced or manufactured in India and exported during the ninety-day period which began on March 31, 1986 and extends through June 28, 1986, in excess of the 187,411 dozen.<sup>1</sup>

Textile products in Category 641 which have been exported to the United States on and after January 1, 1986 shall remain subject to the group limit for Categories 330-359, 431-459, and 630-659 established for the period beginning on January 1, 1986 and extending through December 31, 1986.

Textile products in Category 641 which have been exported to the United States prior to March 31, 1986 shall not be subject to the ninety-day limit established in this directive.

Textile products in Category 641 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald L. Levin,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 86-9174 Filed 4-23-86; 8:45 am]

BILLING CODE 3510-DR-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Defense Science Board Task Force on Atmospheric Obscuration; Meeting

The Defense Science Board Task Force on Atmospheric Obscuration will meet in open session on 27 June 1986 at: Kaman Tempo, 2560 Huntington Avenue, Suite 500, Alexandria, VA

<sup>1</sup> The limit has not been adjusted to account for any imports exported after March 30, 1986.

22303, (Mr. D. Alderson (703) 960-4774).

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on 27 June 1986, the Task Force will conduct a review of recent relevant scientific work and develop a framework within which the Task Force will meet its responsibility to provide expert advice to the Under Secretary of Defense for Research and Engineering in this subject area.

Persons interested in attending should contact Colonel Terry Hawkins, Task Force Executive Secretary, Telephone (202) 697-3060. Space will be awarded on a first come, first serve basis.

Patricia Means,

*OSD Federal Register Liaison Officer, Department of Defense.*

April 21, 1986.

[FR Doc. 86-9147 Filed 4-23-86; 8:45 am]

BILLING CODE 3810-01-M

## Department of the Army

### Board of Visitors, United States Military Academy; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting:

Name of Committee: Board of Visitors, United States Military Academy.

Date of Meeting: May 16, 1986.

Place of Meeting: Room SD G-59 Senate Dirksen Office Building, Washington, DC.

Time of Meeting: 9:00 a.m.

#### Proposed Agenda

Election of officers; selection of Executive Committee; scheduling of meetings for remainder of year; and identification of areas of interest for 1986.

All proceedings are open.

**FOR FURTHER INFORMATION CONTACT:** Colonel D.P. Tillar, Jr., United States Military Academy, West Point, New York 10996.

For the Board of Visitors.

D.P. Tillar, Jr.,

*Colonel, General Staff Executive Secretary, USMA Board of Visitors.*

[FR Doc. 86-9160 Filed 4-23-86; 8:45 am]

BILLING CODE 3710-08-M



**DEPARTMENT OF EDUCATION****Application Notice for Continuation Awards Under the Centers for Independent Living Program for Fiscal Year 1986**

**AGENCY:** Department of Education.

**ACTION:** Application Notice for Continuation Awards Under the Centers for Independent Living Program for Fiscal Year 1986.

**Programmatic and Fiscal Information:**

The purpose of this application notice is to inform potential applicants of fiscal and programmatic information and the closing date for transmittal of noncompeting continuation applications for Centers for Independent Living projects administered by the Department of Education under the Office of Special Education and Rehabilitative Services. Awards are made under this program to establish and operate Centers for Independent Living which provide a combination of services for severely handicapped persons so that they may live more independently in family and community, or secure and maintain employment, with the maximum degree of self-direction. Eligible applicants for continuation awards in Fiscal Year 1986 are grantees which received grant awards in Fiscal Year 1985. The authority for these awards is the Appropriations Act of 1986 (Pub. L. 99-178), which states that Fiscal Year 1986 funds can only be used to assist grantees that received grant awards in Fiscal Year 1985. Grants will be awarded from 1986 funds to all 1985 grantees, unless the Commissioner of the Rehabilitation Services Administration determines that there was substantial failure to comply with the provision of the grantee's approved 1985 award.

The amount of funds appropriated under this grant program in Fiscal Year 1985 was \$22,000,000, of which \$20,124,000 was awarded to 86 existing grantees, and \$1,876,000 was awarded to 39 new projects. Total funding available in Fiscal Year 1986 for this program is \$22,011,000. Sufficient funds will be available to award noncompeting continuation awards in Fiscal Year 1986 to all grantees who received Centers for Independent Living grant awards in Fiscal Year 1985.

**Closing Date for Transmittal of Applications**

Applications for noncompeting continuation awards must be mailed or hand delivered on or before May 27, 1986.

Applications sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: (CFDA No. 84.132), 400 Maryland Avenue, SW., Washington, DC 20202.

Applications that are hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 3633, Regional Office Building #3, 7th and D Streets, SW., Washington, DC.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, DC, time) daily, except Saturdays, Sundays, and Federal holidays.

**Applicable Regulations**

Regulations applicable to this program include the following:

(a) The regulations governing the Centers for Independent Living program in 34 CFR Part 366; and

(b) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 78 and 79.

**Intergovernmental Review**

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

Immediately upon receipt of this notice, applicants that are governmental entities, including local educational agencies, must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States that have not established a process or chosen this program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

All comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by June 26, 1986, to the following address:

The Secretary, U.S. Department of Education, Room 4181, (CFDA No. 84.132), 400 Maryland Avenue, SW., Washington, DC 20202.

Please note that the above address is not the same address as the one to which the applicant submits its completed application. *Do not send applications to the above address.*

**Application Forms**

Application forms and program information packages will be mailed to each eligible applicant.

**Further Information**

For further information contact Judith Miller Tynes, Office of Developmental Programs, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3326 Mary E. Switzer Building, MS 2304, Washington, DC 20202. Telephone: (202) 732-1346.

**Program Authority**

29 U.S.C. 796e.

(Catalog of Federal Domestic Assistance Number 84.132 centers for Independent Living Program)

Dated: April 21, 1986.

**Madeleine Will,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 86-9209 Filed 4-23-86; 8:45 am]

BILLING CODE 4000-01-M

**Proposed Information Collection Requests**

**AGENCY:** Department of Education.

**ACTION:** Notice of Proposed Information Collection Requests.

**SUMMARY:** The Director, Information Resources Management Service invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

**DATE:** Interested persons are invited to submit comments on or before May 27, 1986.

**ADDRESSES:** Written comments should be addressed to the Office of Regulatory Affairs, Attention: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW, Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue, SW., Room 4074, Switzer Building, Washington DC 20202.

**FOR FURTHER INFORMATION CONTACT:** Margaret B. Webster, (202) 426-7304.



**SUPPLEMENTARY INFORMATION:** Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with an agency's ability to perform its statutory obligations.

The Director, Information Resources Management Service publishes this notice containing proposed information collection requests prior to the submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Agency form number (if any); (4) Frequency of the collection; (5) The affected public; (6) Reporting burden; and/or (7) Recordkeeping burden; and (8) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: April 21, 1986.

George P. Sotos,

Director, Information Resources Management Service.

#### Office of Bilingual Education and Minority Languages Affairs

Type of Review: NEW

Title: Application for Grants under

Bilingual Education Programs

Agency Form Number: T84-4P

Frequency: Annually

Affected Public: Individuals or

households; State or local

governments; Businesses or other for-

profit; Non-profit institutions

Reporting Burden: Responses: 750;

Burden Hours: 60,000

Recordkeeping Burden: Recordkeepers:

0; Burden Hours: 0

Abstract: Eligible applicants use this form to request funding for activities authorized under Title IV of the Elementary and Secondary Education Act.

#### Office of Elementary and Secondary Education

Type of Review Requested: REVISION

Title: Application Form for Grants under

Indian Education Programs

Agency Form Number: ED 736, 736-1

Frequency: Annually

Affected Public: State and local governments, non-profit institutions, and small businesses

Reporting Burden: Responses: 1500;

Burden Hours: 45,000

Recordkeeping Burden: Recordkeepers:

0; Burden Hours: 0

Abstract: This form is used to apply for grants under the programs authorized by the Indian Education Act, Pub. L. 92-318, as amended.

Type of Review: REVISION

Title: Preapplication and Application for Federal Assistance (Construction)

Agency Form Number: ED 355 and 355-1

Frequency: Annually

Affected Public: State or local

governments

Reporting Burden: Responses: 38; Burden

Hours: 380.

Recordkeeping Burden: Recordkeepers:

25; Burden Hours: 625

Abstract: Local education agencies in federally impacted areas use the preapplication/application to provide data needed for Departmental evaluation and determinations of eligibility, extent of need, and amount of entitlement.

#### Office of Postsecondary Education

Type of Review: REINSTATEMENT

Title: Application for Designation as an

Eligible Institution under Title III

Higher Education Act of 1965, as

amended

Agency Form Number: 1049-6

Frequency: Annually

Affected Public: Non-profit institutions

Reporting Burden: Responses: 1600;

Burden Hours: 1600

Recordkeeping Burden: Recordkeepers:

0; Burden Hours: 0

Abstract: The Division of Institutional Development will use the information requested to determine if an institution of higher education meets the specific program qualifications to receive Title III funds as provided for in the legislation and regulations governing the Institutional Aid Programs.

Type of Review: EXTENSION

Title: Performance Report for the Special

Services for Disadvantaged Students

Program, 34 CFR Part 646

Agency Form Number: ED 1231

Frequency: Annually

Affected Public: Non-profit institutions

Reporting Burden: Responses: 663;

Burden Hours: 1989

Recordkeeping Burden: Recordkeepers:

0; Burden Hours: 0

Abstract: Special Services grantees are required to submit annual performance reports. The reports are used to evaluate project accomplishments, compliance, prior experience, and college impact data for

budget submissions and congressional hearings.

[FR Doc. 86-9210 Filed 4-23-86; 8:45 am]

BILLING CODE 4000-01-M

#### National Center for Research in Vocational Education Advisory Committee; Meeting

**AGENCY:** National Center for Research in Vocational Education Advisory Committee.

**ACTION:** Notice of hearing.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Center for Research in Vocational Education Advisory Committee. This notice also describes the functions of the Committee. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

**DATE:** May 19, 1986.

**ADDRESS:** The National Center for Research in Vocational Education, Ohio State University, 1960 Kenny Road, Columbus, Ohio 43210.

#### FOR FURTHER INFORMATION CONTACT:

Dr. Howard F. Hjelm, Director, Office of Vocational and Adult Education, Division of Innovation and Development, 300 7th Street, SW., Rm. 519, Reporters Building, Washington, DC 20202-5516, (202) 732-2350.

**SUPPLEMENTAL INFORMATION:** The National Center for Research in Vocational Education Advisory Committee is established under section 404 of the Carl D. Perkins Vocational Education Act of 1984 (Pub. L. 98-524). The Committee is established to advise the Secretary and the National Center's Director with respect to policy issues in the administration of the National Center and in the selection and conduct of major research and demonstration projects and activities of the National Center. Meetings held at the request of the Secretary are conducted in accordance with the Federal Advisory Committee Act (FACA).

The meeting of the Committee is governed by FACA and is open to the public on May 19, 1986 from 1:00 p.m. to 4:00 p.m. The proposed agenda includes:

1:00-1:30

Report and discussion of the Federal budget for vocational and adult education

1:30-2:30

Review of the Advisory Committee's Report on the National Center for



### Research in Vocational Education 2:30-3:00

Report on the status of the National Assessment of Vocational Education Programs

3:00-3:30

Discussion of national priorities for vocational education

3:30-4:00

Other items.

This meeting will be held in conjunction with a regular meeting of the Committee to advise the Center Director.

Records are kept of all Committee proceedings and are available for public inspection in the Program Improvement Systems Branch, 300 7th Street, S.W., Rm. 519, Reporters Building, Washington, DC 20202-5516, (202) 732-2367.

Dated: April 18, 1985.

John K. Wu,

*Acting Assistant Secretary for Vocational and Adult Education.*

[FR Doc 86-9171 Filed 4-23-86; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Conduct of Employees; Waiver of Participation Prohibitions

Section 606(a) of the Department of Energy Organization Act (Pub. L. 95-91, hereinafter referred to as the "Act") prohibits a "supervisory employee" (defined in section 601(a) of the Act) of the Department, for one year after terminating employment with an "energy concern" (defined in section 601(b) of the Act), from knowingly participating in any Department proceeding in which his former employer is substantially, directly, or materially involved, other than a rulemaking proceeding having a substantial effect on numerous energy concerns.

Further, section 606(b) of the Act prohibits a supervisory employee, for one year after commencing service in the Department, from knowingly participating in any Department proceeding for which he had direct responsibility, or in which he participated personally and substantially, within the previous five years while in the employment of an energy concern.

The term "Department proceeding" is defined in § 1010.103(h) of the Department's Conduct of Employees regulations (title 10, Code of Federal Regulations) as any judicial proceeding, Department hearing, application,

rulemaking, order, license, contract, grant, award, fund transfer, claim, controversy, charge, accusation, or arrest in which the Department is directly involved.

Section 606(c) of the Act authorizes the Secretary of Energy to waive the participation prohibitions of subsections (a) and (b) of section 606 when he finds that application of the prohibitions would be contrary to the national interest.

Dr. Albert D. Rossin is under consideration for nomination by the President for the position of Assistant Secretary for Nuclear Energy, Department of Energy, a supervisory employee position. The Assistant Secretary for Nuclear Energy is responsible for the management, administration, and program direction of the Department's research and development programs associated with fission energy. The Department has an agreement with the Electric Power Research Institute for cooperation in the planning and development of research and demonstration projects in this field. Dr. Rossin is currently employed by the Electric Power Research Institute, which is an energy concern.

Dr. Rossin possesses a unique combination of knowledge of nuclear energy and experience in management of complex technological programs in this field. It is my expectation that he will bring to the Department of Energy the unique combination of expertise and experience required to manage the Department's nuclear energy program. Dr. Rossin will sever all official relationships with, and divest himself of all financial interests in, the Electric Power Research Institute prior to assuming the position of Assistant Secretary for Nuclear Energy.

I have considered the benefits to be derived by the United States from having Dr. Rossin available to participate fully, as the Assistant Secretary for Nuclear Energy, in matters involving the Electric Power Research Institute. I am satisfied that it is in the national interest to grant him this waiver of the participation prohibitions of section 606 of the Act with respect to proceedings relating to the Department's nuclear energy program that involve the Institute.

Dated: April 17, 1986.

John S. Herrington,

*Secretary of Energy.*

[FR Doc. 86-9246 Filed 4-23-86; 8:45 am]

BILLING CODE 6450-01-M

### Physics of Plasma Confinement of Reversed Field Pinch

**AGENCY:** Department of Energy (DOE), Office of Fusion Energy.

**ACTION:** Notice of solicitation DE-SC01-86ER53229, solicitation for cooperative agreement proposals (SCAP) for research and development of the physics of plasma confinement of the reversed field pinch.

**SUMMARY:** The Department of Energy intends to negotiate a cooperative agreement on a basis of competitive selection to perform Research and Development in the subject area of the Physics of Plasma Confinement by magnetic means in Configurations of the Reversed Field Pinch (RFP) type or its variants. Participation in the research will be on a joint basis with the Los Alamos National Laboratory, and a cost shared participation is required. Innovative research proposals from applicants are sought to define, fabricate, and jointly operate an experimental assembly of the reversed field pinch type. The assembly will be mounted, serviced, and operated as part of a Confinement Physics Research Facility (CPRF) located at and operated by the Los Alamos National Laboratory.

The recipient is expected to participate in the management of the overall CPRF, and to participate in the experimental research phase of the program. The program shall consist of a four-year fabrication and two-year operations phase.

The cost of the CPRF capable of producing a four million ampere plasma current is estimated to be \$62,140,000 of which \$52,140,000 is the cost of the host facility and \$10,000,000 the cost of the RFP device. In addition, it is anticipated that the cost of the operations phase will total \$20 million over two years. The recipient cost share shall consist of a significant fraction of the overall cost over the 6 years of the program.

**Procurement Request Number:** DE-SC01-86ER53229

For copies of the Solicitation, a written request must be sent to: U.S. Department of Energy, P.O. Box 2500, Attn: Document Control Specialist, MA-452.1, Washington, DC 20013.

**FOR FURTHER INFORMATION CONTACT:** Joyce Gray, Ph. (202) 252-1024 or Glen R. Taranto, Ph. (202) 252-1062, U.S. Department of Energy, Office of Procurement Operations, MA-452.1, 1000 Independence Avenue SW., Washington, DC 20585.



Dated: April 18, 1986.

David G. Newman,

Director, Office of Procurement Operations.

[FR Doc. 86-9244 Filed 4-23-86; 8:45 am]

BILLING CODE 6450-01-M

### National Petroleum Council; Historical Factors Task Group; Meeting

Notice is hereby given that the Historical Factors Task Group will meet in April 1986. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Historical Factors Task Group is responsible for the identification and analysis of events, governmental policies, and actions (federal, state, and local), and the reactions of the oil and gas industries to such events, policies and actions (i.e., the "factors") that affect the supply of and demand for oil and gas in the U.S. since the end of World War II.

The Historical Factors Task Group will hold its first meeting on Tuesday, April 29, 1986, starting at 9:30 a.m., in the Conference Room of the National Petroleum Council, 1625 K Street NW., Washington, DC.

The tentative agenda for the Historical Factors Task Group meeting following:

1. Opening remarks by the Chairman and Government Cochairman.
2. Discuss the scope of the overall study.
3. Discuss the study assignment of the Task Group.
4. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Historical Factors Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Historical Factors Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Ms. Pat Dickinson, Office of Oil, Gas, Shale and Coal Liquids, Fossil Energy, 301/353-2430, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue SW., Washington, DC, between the

hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on April 17, 1986.

Donald L. Bauer,

Acting Assistant Secretary for Fossil Energy.

[FR Doc. 86-9247 Filed 4-23-86; 8:45 am]

BILLING CODE 6450-01-M

### National Petroleum Council; Future Supply/Demand Factors Task Group; Meeting

Notice is hereby given that the Future Supply/Demand Factors Task Group will meet in May 1986. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Future Supply/Demand Factors Task Group's activities will be to identify the major factors that will affect the U.S.'s future supply and demand of oil and gas and to evaluate the influence such factors could have on the vulnerability of the U.S. to future energy crises.

The Future Supply/Demand Factors Task Group will hold its first meeting on Tuesday, May 6, 1986, starting at 9:00 a.m., in Room 1429 of the Gulf Tower, 1301 McKinney Street, Houston, Texas.

The tentative agenda for the Future Supply/Demand Factors Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Discuss the scope of the overall study.
3. Discuss the study assignment of the Task Group.
4. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Future Supply/Demand Factors Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Future/Demand Factors Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Ms. Pat Dickinson, Office of Oil, Gas, Shale and Coal Liquids, Fossil Energy, 301/353-2430, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading

Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue SW., Washington, DC, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on April 17, 1986.

Donald L. Bauer,

Acting Assistant Secretary for Fossil Energy.

[FR Doc. 86-9248 Filed 4-23-86; 8:45 am]

BILLING CODE 6450-01-M

### Economic Regulatory Administration

[ERA Docket No. 86-20-NG]

### Natural Gas Imports; PROGAS U.S.A., Inc.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Correction.

The Federal Register notice of the application in this docket published on April 3, 1986, inadvertently left out several of the proposed delivery points. The proposed delivery points are: Huntingdon, British Columbia; Monchy, Saskatchewan; Emerson, Manitoba; Kingsgate, British Columbia; and Niagara Falls, Ontario.

Issued in Washington, DC, April 18, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-9245 Filed 4-23-86; 8:45 am]

BILLING CODE 6450-01-M

### Federal Energy Regulatory Commission

[Docket No. ER83-297-004]

### Arkansas Power & Light Co.; Order Accepting Rates for Filing, Subject to Refund, Noting Intervention, and Establishing Hearing Procedures

Issued: April 18, 1986.

Before Commissioners: Anthony G. Sousa, Acting Chairman; Charles G. Stalon, Charles A. Trabandt, and C.M. Naeve.

On March 4, 1986, Arkansas Power & Light Company (AP&L) submitted for filing informational schedules detailing charges under its formula rates for requirements and transmission service to the Cities of Campbell and Thayer, Missouri (Cities) on and after March 1, 1986. The rate formula provides for an annual update on March 1st of each year, based upon AP&L's actual costs during the preceding year, and reflecting a return on common equity set at the rate approved by the Arkansas Public



Service Commission in AP&L's last general retail rate case.

AP&L's filing is submitted pursuant to the terms of a settlement agreement approved by the Commission in Docket No. ER83-297-000 on October 4, 1983.<sup>1</sup> That agreement, which incorporates by reference certain provisions of an earlier settlement agreement approved in *Arkansas Power & Light Co.*, Docket Nos. ER82-705-000, et al., states that AP&L shall annually provide the Commission and its customers with informational schedules, containing cost of service data and supporting work papers, showing the operation of the formula rates and the charges thereunder. Within 60 days of AP&L's submission, AP&L's customers may request a hearing, pursuant to section 205 of the Federal Power Act, concerning the cost calculations reflected in the informational schedules (including the stated rate of return). In the event that a hearing is instituted, any increase in charges is to be collected subject to refund, pending a determination as to the justness and reasonableness of the informational schedules.

Notice of AP&L's filing was published in the *Federal Register*,<sup>2</sup> with comments due on or before March 21, 1986. The Cities filed a timely motion to intervene, alleging in general terms that the proposed rate of return is excessive, given current financial conditions, and that other issues may be pursued at hearing. They request that the new charges be suspended for one day, and that the matter be set for hearing.

On April 7, 1986, AP&L filed an answer, opposing the initiation of hearing procedures. AP&L acknowledges that the Cities may challenge whether the cost of common equity applied by the company under the formula rate is in fact the cost of common equity as determined by the Arkansas Commission in AP&L's last general retail rate filing; however, AP&L contends that the Cities may not otherwise contest the use of that common equity figure, since to do so would represent a challenge to the formula itself. AP&L further argues that the Cities' attempt to amend only one component of the formula rate, but not the others, is contrary to Commission policy.

#### Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214(c)(1)), the timely, unopposed motion to intervene

serves to make the Cities parties to this proceeding.

We agree with AP&L that, with respect to return on common equity, the Cities appear to be challenging the formula itself rather than the data contained in the informational schedules.<sup>3</sup> However, our reading of the parties' earlier settlement indicates a clear distinction in the anticipated treatment of such issues. Article 9 of the settlement concerns challenges to the composition of AP&L's annual informational filings under section 205 of the Federal Power Act for the narrow purpose of reviewing the cost calculations under the stated formula rate. Article 10, in contrast, provides a mechanism under which the Commission staff might question the continued use of various components of the formula itself at three year intervals under section 205 of the Act.<sup>4</sup>

Under these distinct provisions, the Cities clearly negotiated away certain rights, in particular the right to challenge elements of the rate formula under section 205 at the time of annual informational filings. As noted, the Arkansas Commission's allowed equity return is an express component of AP&L's formula rate. Thus, we construe the present claim as precisely the type of issue that the settlement eliminates from annual consideration under a section 205 refund mechanism. Nonetheless, we are not prepared to conclude that the settlement must totally foreclose examination of the formula rate of return component, a cost element which the Commission seldom allows to operate automatically in any event. We shall permit the Cities or the trial staff to question this aspect of the rate formula, if they see fit, under section 206 prospective change procedures.<sup>5</sup>

<sup>3</sup> The Cities do not suggest that AP&L has failed to properly reflect the State commission determination in its calculations, but rather that the return is nonetheless unjust and unreasonable.

<sup>4</sup> The settlement provisions and pertinent portions of the rate formula are attached to this order for the readers' convenience. It bears noting that when the Commission originally accepted the settlement for filing, it made clear that nothing in the agreement, including Article 10, should be regarded as precluding the Commission from questioning the continuing reasonableness of the formula at any time under section 206. See 25 FERC at 61,248. (See appendices I and II.)

<sup>5</sup> In the event that we misread the Cities' abbreviated pleading and they intend, in fact, to question whether the return figure used by AP&L actually comports with the Arkansas Commission's allowance, this question may, consistent with the above discussion, be properly pursued under section 205.

While we are concerned about the lack of specificity in their motion to intervene, the Cities have alluded to other potential challenges to the information in AP&L's filing. Because the parties' settlement agreement does not require further particularization of customer objections, but instead appears to contemplate a rather broad opportunity for a hearing on the application of the formula rate, we shall convene a hearing to consider such issues and, in the interim, we shall accept AP&L's submittal for filing, to be effective as of March 1, 1986, subject to refund. We shall also order a prompt prehearing conference at which time the Cities should be prepared to specify their other challenges to AP&L's submittal.

#### The Commission orders

(A) AP&L's submittal is hereby accepted for filing, subject to refund, effective March 1, 1986.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held as discussed in the body of this order.

(C) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held while approximately fifteen (15) days from the date of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. At such conference, the Cities should be prepared to set forth a more particularized specification of their objections to AP&L's submittal. The presiding judge is authorized to establish procedural dates, including the submission of a case-in-chief by AP&L, and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(D) Subdocket 004 of Docket No. ER83-297 is hereby terminated. The evidentiary hearing ordered herein is assigned Docket No. ER83-297-005.

(E) The Secretary shall promptly publish this order in the *Federal Register*.

<sup>1</sup> 25 FERC ¶ 61,070.

<sup>2</sup> 51 FR 8876 (1986).



By the Commission.  
Kenneth F. Plumb,  
Secretary.

#### Appendix I—Arkansas Power and Light Co.; Settlement Provisions

8. The parties agree that calculation of charges pursuant to the Power Coordination, Interchange and Transmission Service Agreements, as amended in paragraphs 5, 6 and 7 above, shall be effective for services commencing March 1, 1982.

9. AP&L agrees to provide the Commission and the customers with informational schedules, containing cost of service data and supporting work papers, which show the operation of the formulary rates and the resulting charges for each year during which the tendered agreements are in effect. The informational schedules will be submitted to the Commission and the customers on or about March 1 of the year immediately following the year from which the data are derived, and the resulting charges will take effect as of March 1 of the year in which the informational schedules are submitted. If the Commission Staff or the customers, after review of such informational schedules, should determine that a hearing is needed to investigate the cost determinations contained therein, such a hearing may be requested by an appropriate written filing with the Commission within 60 days of the submittal of the informational schedules by AP&L (rather than 30 days, as specified in the March 10, 1981 Settlement Agreement). The parties agree that such a hearing, if instituted by the Commission, will be for the sole purpose of reviewing, pursuant to Section 205 of the Federal Power Act, the data contained in the informational schedules that form the input components of the formulary rates contained in Attachment B. Such review, if necessary, would include the figures for rate of return on equity and A&G expense. It is contemplated that in the event the Commission Staff or the customers request such a hearing, the Commission may issue an order no later than 30 days after such request establishing procedures under Section 205 of the Federal Power Act for a hearing. It is further agreed by the parties that any increases in charges resulting from the operation of the formulary rates will be subject to refund for the year during which they are effective pending the outcome of such a

hearing to determine the justness and reasonableness of such informational schedules, or until it is determined that no such hearing will be instituted, whichever period is shorter. There will be no suspension of such charges if a hearing is ordered.

10. The parties agree that the Staff of the Commission will have the right to request an investigation of the formulary rates contained in the tendered agreements only in 1984 and every third calendar year thereafter. If the Staff of the Commission should determine that a hearing is needed to investigate the formulary rate or any component thereof, such a hearing may be requested by an appropriate filing with the Commission during the time period March 1 to May 31 of that year. The parties agree that such a hearing, if instituted by the Commission, will be for the purpose of reviewing, pursuant to Section 205 of the Federal Power Act, the justness and reasonableness of the formulary rates contained in the tendered agreements. It is contemplated that in the event the Staff of the Commission requests such a hearing, the Commission may issue an order establishing procedures for such a hearing under Section 205 of the Federal Power Act on or before July 1 of that year. It is further agreed by the parties that, in the event the Commission orders such a hearing, any increase in charges resulting from the operation of the formulary rates in the calendar year 1984 and every third year thereafter, in the event the Commission orders such a hearing in any of those years, will be subject to refund pending the outcome of such a hearing to determine the justness and reasonableness of the formulary rates. If the Staff of the Commission determines that an investigation of the formulary rates is not necessary and does not request a hearing on the justness and reasonableness of the formulary rates during the time period March 1 to May 31, the formulary rates as contained in Attachment B will operate in accordance with their terms, subject however, to the right to review the informational schedules, as described in paragraph 8 of this Settlement Agreement.

11. The Power Coordination, Interchange and Transmission Service Agreements filed in Docket No. ER80-373, as modified by the March 10, 1981 Settlement Agreement, shall remain \* \* \*

#### Appendix II. Rate Formula

##### Arkansas Power & Light Company, Common Parameter Calculation

##### Cost of capital

$$CC = D \cdot DR + \frac{PF \cdot PR + CE \cdot CR}{TX}$$

where:

CC = Before tax cost of capital  
D = Embedded cost of long-term debt  
DR = Debt capitalization ratio  
PF = Embedded cost of preferred stock dividends  
PR = Preferred stock capitalization ratio  
CE = Cost of common equity as determined by Arkansas Public Service Commission in AP&L's last general retail rate filing in which a final order has been issued  
CR = Common equity capitalization ratio  
TX = Composite after tax rate  
 $TX = (1-S)(1-F)$   
where:  
S = State income tax rate  
F = Federal income tax rate

##### Other Tax Rate

$$OTR = \frac{CSFXP + RPTXP + FICA (1-CSLR)}{PLT}$$

where:

OTR = Other tax rate  
CSFXP = Annualized December capital stock franchise tax expense  
RPTXP = Annualized December real and personal property tax expense  
FICA = Annualized December FICA tax expense  
CSLR = Ratio of customer services/customer accounts payroll to total payroll charged to O&M expense

[FR Doc. 86-9231 Filed 4-23-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1831-004]

#### Peter J. DeMaria; Application

April 21, 1986.

Take notice that on April 14, 1986 Peter J. DeMaria tendered for filing application for authorization to hold the following positions, pursuant to section 305(b) of the Federal Power Act:

Position	Name of Corporation	Classification
Treasurer and director.	AEP Generating Co. ....	Electric Utility.
Treasurer.....	Appalachian Power Co.	Do.
Do.....	Cardinal Operating Co.	Do.



Position	Name of Corporation	Classification
Treasurer and director	Columbus and Southern Ohio Electric Co.	Do.
Treasurer	Indiana and Michigan Electric Co.	Do.
Do	Kanawha Valley Electric Co.	Do.
Treasurer and director	Kentucky Power Co.	Do.
Do	Kingsport Power Co.	Do.
Do	Michigan Power Co.	Do.
Do	Ohio Power Co.	Do.
Treasurer	Wheeling Electric Co.	Do.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 or 211 of the Commission's Rules of Practice and Procedure (118 CFR 385.214, 385.211). All such motions or protests should be filed on or before May 1, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 86-9233 Filed 4-23-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER85-515-000 et al.]

#### Electric Rate and Corporate Regulation Filings; Florida Power and Light Co. et al.

Take notice that the following filings have been made with the Commission:

##### 1. Florida Power and Light Company

[Docket No. ER85-515-000]

April 21, 1986.

Take notice that on April 10, 1986, Florida Power and Light Company (FPL) tendered for filing a letter advising the Commission that FPL did not make refunds pursuant to the Commission's February 28, 1986 letter approving a stipulation and agreement among FPL and Seminole Electric Cooperative, Inc. and Florida Cities, except for the negotiated dollar payment of \$25,000 sent to Seminole by letter of March 12, 1986. Under the Settlement Agreement, FPL's filed rates were effective from May 1, 1985 through December 31, 1985. Effective January 1, 1986, any collections were at Settlement Rates provided by the Stipulation and Agreement, as permitted by the Commission's order of January 31, 1986, granting the joint

motion of FPL, Seminole and Florida Cities to permit interim collection of Settlement rates. Any additional refunds were to be paid only if FPL collected amounts in excess of the Settlement Rate after the January 1, 1986 effective date of such rates provided by the Stipulation and Agreement. Accordingly, FPL said no further refunds are due.

*Comment date:* May 1, 1986, in accordance with Standard Paragraph H at the end of this notice.

##### 2. Catalyst Old River Hydroelectric Limited Partnership

[Docket No. ER86-402-000]

April 21, 1986.

Take notice that on April 14, 1986, Catalyst Old River Hydroelectric Limited Partnership (Old River Hydro) tendered for filing notice that it has entered into contract with Louisiana Power and Light Company (LL&P) for the sale of energy to LL&P. The Town of Vidalia a co-licensee in the Old River Project (Project No. 2854) has consented to the contract.

In addition, Old River Hydro has entered into a contract with the town of Vidalia for the Sale of the remaining energy from the project to the town. Both contracts were tendered for filing in this Docket Number.

*Comment date:* May 1, 1986, in accordance with Standard Paragraph E at the end of this notice.

##### 3. Gulf States Utilities Company

[Docket No. ER86-36-000]

April 21, 1986.

Take notice that on April 14, 1986, Gulf States Utilities Company filed an application seeking an order under Section 204(a) of the Federal Power Act authorizing the Applicant to issue up to 6,000,000 Additional Shares of New Common Stock, without par value, pursuant to its Automatic Dividend Reinvestment and Stock Purchase Plan, and for exemption from competitive bidding requirements.

*Comment date:* May 13, 1986, in accordance with Standard Paragraph E at the end of this notice.

##### 4. Kansas City Power & Light Company

[Docket No. ES86-34-000]

April 18, 1986.

Take notice that on April 14, 1986, Kansas City Power & Light Company filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to section 204 of the Federal Power Act, to issue not more than \$300 million of Short-Term Debt and Commercial Paper on or before June 30, 1988, which would mature no later than June 30, 1989.

*Comment date:* May 14, 1986, in accordance with Standard Paragraph E at the end of this notice.

##### 5. Northern States Power Company

[Docket No. ER86-413-000]

April 21, 1986.

Take notice that Northern States Power Company (NSP), on April 16, 1986, tendered for filing Supplement No. 5 to the Transmission Service Agreement Between Northern States Power Company and East River Electric Power Cooperative (Supplement).

The Supplement reduces the obligation of the customer to compensate NSP for transmission line losses. The Supplement provides that NSP shall only be furnished power and energy equal to 4.5 percent of the deliveries from alternate suppliers instead of the 7 percent provided for in the existing agreement.

The filing of this Supplement by NSP is a result of the settlement reached between the parties in the FERC Docket No. EL86-14.

NSP requests a waiver of the 60 Day Notice Requirement and an effective date of May 20, 1986, for this Supplement.

*Comment date:* May 5, 1986, in accordance with Standard Paragraph E at the end of this notice.

##### 6. San Diego Gas and Electric Company

[Docket No. ER86-49-000]

April 21, 1986.

Take notice that on April 15, 1986 San Diego Gas and Electric Company (SDG&E) tendered for filing information intended to supplement its December 17, 1986 filing in Docket No. ER86-49-000. Today's filing includes revised cost information regarding SDG&E's firm power purchases which is necessary in order to make economy energy power transactions under Section A.8.2 of the Interconnection Agreement Public Service Company of New Mexico and SDG&E, which agreement was filed in Docket No. ER86-49-000.

*Comment date:* May 1, 1986, in accordance with Standard Paragraph E at the end of this notice.

##### 7. The Washington Water Power Company

[Docket No. ER86-386-000]

April 21, 1986.

Take notice that The Washington Water Power Company of Spokane, Washington, on April 15, 1986, tendered for filing a Transmission Wheeling Tariff, Schedule 62. This tariff is related to transmission wheeling service for borderline customer loads provided only



to the Bonneville Power Administration under a currently existing General Transfer Agreement. The tariff reflects a change in the method used to calculate the charges for this service. The proposed change would increase revenues from transmission wheeling services provided to the Bonneville Power Administration by approximately \$990,000 based on the 12-month period ending December 31, 1985.

The proposed tariff is submitted for the purpose of compensating The Washington Water Power Company for increases in its cost of capital, labor, materials, supplies and taxes.

A copy of the filing has been served upon the Bonneville Power Administration.

*Comment date:* May 1, 1986, in accordance with Standard Paragraph E at the end of this document.

#### Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

H. Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, on or before the comment date. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 86-9237 Filed 4-23-86; 8:45 am]  
BILLING CODE 6717-01-M

#### [Docket No. SA86-16-000]

#### The Kansas Power & Light Co.; Petition for Exemption and Interim Relief

Issued April 21, 1986.

On April 2, 1986, The Kansas Power and Light Company (KPL) filed a petition, pursuant to section 206(d) of the Natural Gas Policy Act of 1978 (NGPA) <sup>1</sup> and section 282.206(b) of the Federal Energy Regulatory Commission's regulations, <sup>2</sup> for exemption from the Commission's incremental pricing regulations under Title II of the NGPA. <sup>3</sup> KPL requests interim and permanent exemption from the imposition of incremental pricing surcharges on rates for its gas sales to 19 nonexempt industrial customers. <sup>4</sup> KPL presently sells or could sell gas to these customers for use as boiler fuel in their respective industrial facilities located in the States of Kansas and Missouri.

In support of its petition, KPL states that the incremental pricing surcharge levied on the industrial customers will cause their gas costs to rise above the price of alternative fuels and that without exemption relief there is a great likelihood these customers will (1) switch to alternative fuels such as fuel oil, propane, or intrastate gas, (2) relocate production lines to other areas where available fuels are not subject to incremental pricing, or (3) cease or significantly reduce operations. KPL states that these customers have the capability to burn alternative fuels and that a loss of sales to such customers will force its high priority customers to bear a larger portion of its fixed costs.

The procedures applicable to the conduct of this proceeding are set forth in Subpart K of the Commission's Rules of Practice and Procedure. <sup>5</sup> Any person desiring to participate in this proceeding must file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, a motion to intervene in accordance with Subpart K within 15

<sup>1</sup> 15 U.S.C. 3346(d) (1982).

<sup>2</sup> 18 CFR 282.206(b) (1985).

<sup>3</sup> 15 U.S.C. 3341-3348 (1982).

<sup>4</sup> The following ten existing nonexempt customers are listed in the application: General Motors Corp. (Leeds), Ford Motor Co., Bendix Corp., Marion Laboratories, Cessna Aircraft Co., Atlas Powder Co., IRECO, AT&T Technologies, Cook Paint & Varnish Co., and Olin/Winchester. Three others, Peoples Natural Gas Co., Getty Oil Co., and Northern Gas Products, Inc., discontinued purchases when they became subject to incremental pricing. In addition, KPL sells gas to six customers listed in the application presently covered by interim exemptions previously granted by the Commission. These are: Proctor & Gamble, Colgate Palmolive, General Motors (Fairfax), Owens Corning, Thompson Hayward, and Armco, Inc. KPL seeks permanent exemptions with respect to all these customers.

<sup>5</sup> 18 CFR 385.1101-385-1117 (1985).

days after publication of this notice in the Federal Register.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 86-9232 Filed 4-23-86; 8:45 am]

BILLING CODE 6717-01-M

#### [Docket No. C186-295-000]

#### Tenneco Oil Co.; Application for Permanent Abandonment Authorization and Cancellation of Producer Rate Schedules

April 21, 1986.

Take notice that on March 28, 1986, Tenneco Oil Company (Applicant or Tenneco Oil), P.O. Box 2511, Houston, Texas 77001, filed an application pursuant to 7(b) of the Natural Gas Act and 18 CFR 2.77 and 157.30 of the Commission's Regulations thereunder for authorization to abandon permanently the obligations established under certificates of public convenience and necessity issued in Docket Nos. G-18765 and C163-1513, and to cancel the related rate schedules. Both dockets cover sales to Valero Interstate Transmission Company (Vitco).

Tenneco Oil is the producer and seller of natural gas. In Docket No. G-18765, Tenneco Oil received a certificate of public convenience and necessity authorizing sales under a contract dated May 8, 1959, on file as Tenneco Oil FERC Gas Rate Schedule No. 137. It received a certificate of public convenience and necessity in Docket No. C163-1513 governing sales of natural gas pursuant to a sales contract dated May 8, 1963, on file as Tenneco Oil FERC Gas Rate Schedule No. 166. Tenneco Oil states that its gas sales contracts with Vitco in both dockets have expired.

All gas sold under Rate Schedule No. 137 is produced in the North Monte Christo Field, Hidalgo County, Texas. The gas previously qualified for a price under NGPA 104 for minimum rate gas, currently \$0.318 per Mcf. Tenneco Oil states that its interest in the well sought to be abandoned represents a total deliverability of approximately 250 Mcf per day.

All gas sold under Rate Schedule No. 166 is produced in the McAllen Ranch Field, Hidalgo County, Texas. The gas qualifies for prices under NGPA 104 for post-1974 gas (\$2.553 per MMBtu in March 1986), as well as for 1973-1974 biennium, replacement recompletion, and flowing gas rates. Tenneco Oil states that its interest in the wells sought to be abandoned represents a total deliverability of 3,400 Mcf per day.



Applicant states that the abandonment is premised on the Commission's order issued August 2, 1985, granting a limited-term abandonment of these sales pursuant to a settlement in Transcontinental Gas Pipe Line Corp., *et al.*, Docket Nos. CP84-183-000, *et al.* The limited-term abandonment granted therein expired January 28, 1986. Under the terms of the settlement approved by the Commission in those consolidated proceedings, producers were permitted to apply for permanent abandonment if Vitco could not secure alternative markets for the gas by January 28, 1986.

Tenneco Oil seeks abandonment of these supplies so that it can continue selling gas elsewhere after January 28, 1986. Applicant requests expedited consideration of its application pursuant to Docket No. RM85-1-000 and §2.77 of the Commission's Regulations, due to substantially reduced takes by Vitco without payment.

The circumstances presented in the application meet the criteria for consideration on an expedited basis, pursuant to §2.77 of the Commission's Regulations as promulgated by Order Nos. 436 and 436-A, issued October 9 and December 12, 1985, respectively, in Docket No. RM85-1-000, all as more fully described in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before 15 days after the date of publication of this notice in the Federal Register, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in the proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 86-9234 Filed 4-23-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP86-425-000 *et al.*]

### United Gas Pipe Line Co. *et al.*; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

#### 1. United Gas Pipe Line Company

[Docket No. CP86-425-000]

April 21, 1986.

Take notice that on April 9, 1986, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP 86-425-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Tennessee Gas Pipeline Company, a division of Tenneco Inc. (Tennessee), under a gas transportation agreement, dated March 21, 1986, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that the agreement provides for Tennessee to cause the delivery of up to the maximum daily quantity (MDQ) of 8,000 Mcf of natural gas per day to United at an existing 12-inch sub-sea tap on United's South Marsh Island 155 lateral located in South Marsh Island Block 156, offshore Louisiana. United proposes to redeliver equivalent quantities of gas to Tennessee at an existing interconnection between facilities of United and Sea Robin Pipeline Company located in the South Marsh Block 127, offshore Louisiana.

United states that for each Mcf of gas redelivered by United, United would charge Tennessee the effective cost of service rate which for Tennessee is 23.6 cents per Mcf.

*Comment date:* May 14, 1986, in accordance with Standard Paragraph F at the end of this notice.

[Docket No. CP86-424-000]

April 18, 1986.

Take notice that on April 9, 1986, Crown Zellerbach Corporation (Crown Zellerbach) and Gaylord Container Limited (Gaylord), One Bush Street, San Francisco, California 94104, jointly filed in Docket No. CP86-424-000 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for authorization permitting and approving Crown Zellerbach to abandon its entire interstate transmission facility and for a certificate of public convenience and necessity authorizing Gaylord to acquire and operate such facility, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is explained that Crown Zellerbach is an integrated forest products company that manufactures and distributes a broad range of paper and wood products. As part of its operations, Crown Zellerbach states that it owns and operates a paper mill in Bogalusa, Washington Parish, Louisiana, that uses natural gas for plant protection and paper processing. It is explained that the gas is purchased in the southwestern counties of Mississippi and then transported to Crown Zellerbach's Bogalusa mill in Louisiana by means of a 92.3-mile pipeline that is owned and operated by Crown Zellerbach solely for its own use in the mill. By reason of this interstate transportation function, the Commission by order issued October 1, 1973, in Docket No. CP73-322 determined that Crown Zellerbach was a natural-gas company within the meaning of the Natural Gas Act even though Crown Zellerbach neither transports gas for others or sells gas for resale.

Crown Zellerbach now proposes to abandon the operation of the subject pipeline by transferring these properties<sup>1</sup> as part of a stock transaction encompassing all of Crown Zellerbach's assets to Gaylord. Applicants state that following acquisition of Crown Zellerbach's assets, Gaylord proposes to continue to operate the subject pipeline and all related facilities to serve the Bogalusa paper mill.

*Comment date:* May 12, 1986, in accordance with Standard Paragraph F at the end of this notice.

#### 3. Northern Natural Gas Company Division of InterNorth, Inc.

[Docket No. CP83-131-004]

April 21, 1986.

Take notice that on April 16, 1986, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83-131-004 an amendment to its petition to amend filed pursuant to Section 7(c) of the Natural Gas Act in Docket No. CP83-131-003 that is presently pending before the Commission to request authority to operate in interstate commerce 2.0 miles of 18-inch pipeline and 3.25 miles of 24-inch pipeline located in the Matagorda Island Area, offshore Texas (MAT), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Northern states that it constructed 2.0 miles of 18-inch pipeline to the MAT 623

<sup>1</sup> The application did not state a particular price for the pipeline.



"A" platform during 1984 and 3.25 miles of 24-inch pipeline to the MAT 622 "C" platform from its existing pipeline in MAT 624 during 1985. It is indicated that the facilities were constructed to attach gas supplies in MAT 622 and 623 which Northern intended to transport for Amoco Gas Company (Amoco). Northern explains that it filed in Docket No. CP83-131-003 to provide such firm transportation service for Amoco under section 7(c).

It is stated that the actual construction cost of the MAT 623 "A" and MAT 622 "C" pipeline facilities was \$2,970,800 and \$5,123,700, respectively. It is further stated that transportation service was initiated from the MAT 623 "A" platform, pursuant to Subpart B of Part 284 of the Commission's Regulations on November 16, 1984, as reported in Docket No. ST85-286-000 and that transportation service from MAT 623 "A" continues today as a "grandfathered" transportation arrangement under the provisions of Order No. 436. Northern states that transportation from MAT 622 "C" has not commenced.

In Docket No. CP83-131-003, Northern indicated that the 16-inch and 24-inch laterals were to be constructed and operated pursuant to Northern's Order No. 234 blanket certificate. Since the two laterals do not appear to qualify as either "eligible facilities" or "gas supply facilities" as defined in § 157.202 of the Regulations and Northern is therefore not authorized to construct and operate the facilities under its blanket certificate, Northern proposes in the subject amendment to operate the two laterals which have already been constructed.

*Comment date:* May 14, 1986, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

#### 4. Williston Basin Interstate Pipeline System

[Docket Nos. CP86-430-000, CP86-431-000, RP86-10-005, RP86-10-006]

April 18, 1986.

Take notice that on April 4, 1986, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 200, 304 East Rosser Avenue, Bismarck, North Dakota 58501, filed in Docket No. CP86-430-000 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon partially service to Colorado Interstate Gas Company (CIG), i.e., to abandon sales service performed under Rate Schedule X-5, and to amend the terms of the storage service performed under

Rate Schedule X-5. Also, on April 4, 1986, Williston Basin filed in Docket No. CP86-431-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon service to MIGC, Inc. (MIGC), performed under Rate Schedule X-6. Further, Williston Basin filed on March 31, 1986, in Docket No. RP86-10-005 pursuant to § 154.64 of the Commission's Regulations, a notice of cancellation of its Rate Schedule X-6. Finally, Williston Basin filed in Docket No. RP86-10-006 on April 4, 1986, an offer of partial settlement pursuant to Rule 602 of the Commission's Rules of Practice and Procedure. These proposals are more fully set forth in the applications, notice of cancellation, and offer of settlement which are on file with the Commission and open to public inspection.

Williston Basin seeks authorization in Docket No. CP86-430-000 to abandon partially service under Rate Schedule X-5, wherein Williston Basin's current storage service for CIG would be abandoned. In a letter submitted as part of the filing, CIG states that the natural gas available for sale under the contract would remain unmarketable. It is explained that the storage service under Rate Schedule X-5 would continue, but be amended such that the remaining CIG gas stored in Williston Basin's Elk Basin Storage Field (approximately 8.3 Bcf) would be drawn down over a six-year period. For the stored gas, CIG would pay Williston Basin a monthly storage rate of 0.44 cents per Mcf, effective May 2, 1986, subject to refund, for the maximum inventory of gas held in storage for CIG during the billing month. Williston Basin has submitted a *pro forma* Rate Schedule X-5 reflecting the proposed changes.

Williston Basin seeks authorization in Docket No. CP86-431-000 to abandon sales service to MIGC under Rate Schedule X-6. MIGC has indicated in a letter to CIG contained in the filing that it has no intention of taking any gas under Rate Schedule X-6 and that it would agree to contract cancellation and abandonment of service.

In Docket No. RP86-10-005, Williston Basin has filed a notice of cancellation of Rate Schedule X-6, consisting of a one page, *pro forma* tariff sheet. Williston Basin states that this notice of cancellation would only be effective if the abandonment authority it seeks in Docket No. CP86-431-000 is approved.

Williston Basin has filed an offer of partial settlement which would give effect in Williston Basin's current Section 4 rate case, Docket No. RP86-10-000, to the partial abandonment of service to CIG, the revised storage

service for CIG, and the abandonment of service to MIGC. Williston Basin has filed *pro forma* tariff sheets to reflect its proposed offer of partial settlement. This offer of partial settlement is entirely dependent upon the outcome of Williston Basin's filings in Docket Nos. CP86-430-000 and CP86-431-000.

*Comment date:* May 14, 1986, in accordance with Standard Paragraph F at the end of this notice.

#### Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 86-9235 Filed 4-23-86; 8:45 am]

BILING CODE 6717-01-M



[Docket No. RM85-1-155]

# Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol (Carbenaire Co., Inc.); Order Denying Rehearing

Issued April 22, 1986.

Before Commissioners: Anthony G. Sousa, Acting Chairman; Charles G. Stalon, Charles A. Trabandt and C.M. Naeve.

On February 6, 1986, Carbenaire Co., Inc. filed a request for rehearing of the Commission's January 7, 1986 order denying Carbenaire's request for clarification<sup>1</sup> of Order No. 436.<sup>2</sup> The Commission's January 7, 1986 order found that Carbenaire could not receive gas from Transcontinental Gas Pipe Line Corporation (Transco) via its Renovo receipt point pursuant to a verbal understanding, under the transitional provisions of Order No. 436. Carbenaire and Transco had a verbal understanding that the Renovo receipt point would be used should curtailment on Transco's main line preclude deliveries via receipt points specified in the written contract.

In its request for rehearing, Carbenaire states that it expended over \$550,000 in connection with a major overhaul and refurbishing program at its plant in the expectation of a continuous supply of competitively-priced natural gas secured through written agreements and oral understandings with Transco which pre-dated October 9, 1985.

To qualify for continuation under the transitional provisions of Order No. 436, a transaction had to be authorized and commenced prior to October 9, 1985. We have consistently interpreted these provisions to preclude changes in the terms of the transaction as it existed on October 9. *Hadson Gas Systems, Inc.*, 33 FERC ¶61,142 (1985). Since the Renovo receipt point was not in use on October 9, its use does not qualify under the transitional provisions. The only remaining questions is whether a waiver of the rules would be justified.

In *CLARCO Gas Company, Inc.*,<sup>3</sup> we restated the standard enunciated in the *Judel Glassware* order.<sup>4</sup> The *CLARCO* order clarified the following:

If gas hasn't flowed by October 9, 1985, the Commission will grant a waiver from the restrictions in the transitional provisions to the extent necessary to allow the transportation to commence if the parties executed a written gas transportation agreement prior to October 9, 1985, and expended significant funds or constructed

significant facilities in reliance on that agreement, after the agreement was executed and prior to October 9, 1985. . . . Oral agreements will not meet the standard if, on or before October 9, 1985, gas was not actually transported pursuant to that agreement. The existence of a written transportation agreement prior to October 9, 1985 will not by itself satisfy the standard.

If the construction or expenditure of funds occurred prior to execution of the written transportation agreement, then by definition such construction or expenditure was not incurred in reliance on that agreement.

Carbenaire does not meet this standard. The Renovo receipt point was not specified in a written transportation agreement on or before October 9, 1985, and the gas was not transported via the Renovo receipt point on or before that date pursuant to the oral agreement. Accordingly, Carbenaire's request for rehearing is denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-9238 Filed 4-23-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RM85-1-000]

# Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol (Energy Marketing Exchange, Inc.); Order Denying Reconsideration

Issued: April 22, 1986.

Before Commissioners: Anthony G. Sousa, Acting Chairman; Charles G. Stalon, Charles A. Trabandt and C.M. Naeve.

On January 28, 1986, Energy Marketing Exchange, Inc. (EME) filed a petition for reconsideration of the Commission's order issued November 22, 1985 denying EME's request for clarification and waiver of regulations.<sup>1</sup> In that instance, consistent with our decision in the *Midwest Solvents* order denying a request for clarification,<sup>2</sup> we concluded that gas for high-priority end uses which was not transported under Order No. 319, although eligible thereunder, could not be transported under the transitional rules of § 284.223(g)(1) established in Order No. 436.<sup>3</sup> Because we reversed the outcome of *Midwest Solvents* on rehearing,<sup>4</sup> EME

now seeks reversal of our order denying its request for clarification.

The outcome of *Midwest Solvents* does not resolve the only issue in this case, however, because agreements with the transporting pipelines had a termination date of October 31, 1985.<sup>5</sup> Nevertheless, EME contends that the transportation arrangements should be authorized until June 30, 1986 for Raritan, and for a five-year term for the other end users involved, based on our order granting Transcontinental Gas Pipeline Corporation's first clarification request (*Transco I*).<sup>6</sup> The facts presented by EME, however, are different from those in *Transco I*.

In the latter case, Transco had a large number of transportation contracts that extended for the full two-year term allowed for self-implementing transportation under our former rules implementing section 311 of the NGPA. Transco asserted that because of the large number of employees involved in drafting the numerous agreements, a small fraction of the contracts contained language that provided that the contracts would terminate on October 31, 1985 "unless extended by mutual agreement of the parties." According to Transco, the October 31 date was referenced only because the parties anticipated substantial changes in our regulations on that date. Transco averred that the parties actually intended for the agreements to remain in effect for the maximum two year term—as demonstrated by the language in the vast majority of its contracts.

The facts in the present case are different. In the first place, the language in the transportation contracts does not appear to be the result of a drafting error. Indeed, EME has not submitted copies of the transportation contracts or even quoted the relevant language from them. Instead, EME quotes a term from the gas sales contracts that provides for automatic renewals for successive one year periods, unless terminated by one of the parties. According to EME, this provision demonstrates that the parties to the transportation contracts intended them to remain in effect for the maximum five-year term for high-priority transportation.

We are unconvinced. The transporters in question are not parties to the sales contracts. Thus, we fail to see what significance the sales contracts could

<sup>1</sup> 34 FERC ¶61,006, 51 FR 1430.

<sup>2</sup> 33 FERC ¶61,007, 50 FR 42408 (October 18, 1985).

<sup>3</sup> *CLARCO Gas Company, Inc.*, 34 FERC ¶61,386 (March 28, 1986).

<sup>4</sup> *Judel Glassware Co., Inc.*, 33 FERC ¶61,386 (December 17, 1985).

<sup>1</sup> Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol (Energy Marketing Exchange), Order Denying Request for Clarification, 33 FERC ¶ 61,248 (1985).

<sup>2</sup> 33 FERC ¶ 61,157 (1985).

<sup>3</sup> 33 FERC ¶ 61,007 (1985).

<sup>4</sup> 33 FERC ¶ 61,169 (1985).

<sup>5</sup> The order of November 27, 1985, is incorrect in stating that the transportation contracts had terms extending into 1986 or beyond. See, e.g., EME Petition for Reconsideration at 6.

<sup>6</sup> Regulation of Natural Gas after Partial Wellhead Decontrol (Transcontinental Gas Pipeline Corporation), 33 FERC ¶ 61,169 (1985).



have with reference to the intent of the transporters. Moreover, EME has not maintained (as did Transco) that portions of a small percentage of the transportation contracts were the result of a mistake, as evidenced by the more correct language in the vast majority of other contracts between the same parties. To the contrary, it appears that the language limiting the transportation contracts to October 31, 1985 was intentional, since it was included in contracts with all of the transporters in question.<sup>7</sup>

We note that one transporter, Transco, submitted an affidavit, dated March 14, 1986, stating that "it was not the desire of either party to discontinue transporting natural gas on that date." Rather, according to Transco, the "termination date" of October 31, 1985 was included in its contract in response to the combined effect of the court's decision in *Maryland People's Counsel v. FERC*, 761 F.2d 780 (1985) and the Commission's Order No. 234-C, extending the transportation authority for low-priority end uses through October 31, 1985. Transco states that "[b]ut for these judicial and regulatory decisions . . . [it] would have been ready, willing and able to provide the . . . transportation service for a term coextensive with the respective terms of the underlying gas sales agreements between EME and said end-use customers not to exceed five (5) years . . . ." (Emphasis added.) The Transco affidavit quite carefully avoids stating that Transco's intention in signing the contract was to commit itself to providing transportation for a five-year term. Indeed, our interpretation of the affidavit is that Transco would have been willing to enter a five-year contract, perhaps wishes that it had, but, unfortunately, did not.

Inasmuch as the transportation contracts here expired by their own terms on October 31, 1985, there is nothing remaining to qualify for transition treatment under § 284.223(g)(1).<sup>8</sup> Accordingly, EME's request for reconsideration is denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-9239 Filed 4-23-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RM85-1-000 (Parts A-D) and Docket No. CP86-387-000]

**Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol (Superior Offshore Pipeline Co.; Order Issuing Temporary Certificate and Denying Request for Waiver**

Issued: April 21, 1986.

Before Commissioners: Anthony G. Sousa, Acting Chairman; Charles G. Stalon, Charles A. Trabandt and C. M. Naevie.

On March 17, 1986, Superior Offshore Pipeline Company (SOPCO) filed an emergency request for a temporary waiver of section 284.105(a) of the regulations adopted in Order No. 436.<sup>1</sup> SOPCO seeks the waiver to permit the transportation of gas on behalf of Texas Eastern Transmission Corporation (Texas Eastern) until such time as SOPCO is issued a blanket certificate pursuant to section 284.221 of the Commission's regulations adopted in Order No. 436. On March 17, 1986, SOPCO also filed an application for a blanket certificate pursuant to that section; that application is currently pending in Docket No. CP86-387-000.

We are denying SOPCO's request for waiver. However, we are construing the request for waiver as a request for a temporary certificate, which we are granting on the basis of SOPCO's emergency situation.

SOPCO was issued a blanket certificate<sup>2</sup> pursuant to Order No. 60 on April 28, 1983, which authorized SOPCO to transport gas for other interstate pipelines, including Texas Eastern. SOPCO did not have authority under this certificate to continue transportation beyond April 28, 1985, because it did not file a timely extension report.<sup>3</sup> SOPCO, therefore, does not

have the requisite authority to transport gas on behalf of Texas Eastern at the present time. Waiver of the restrictions in section 284.105(a) of the Commissions' Regulations would not operate to confer transportation authority pursuant to Order 60 where such authority has expired. Section 284.105(a) merely provides for transitional treatment of existing transportation arrangements. Here, the transportation arrangements have expired. Accordingly, SOPCO's request for waiver is denied.

Although SOPCO does not have authority to continue transporting gas on behalf of Texas Eastern, SOPCO has sought such authority by its request for waiver and by its pending application for a blanket certificate. As such, we will construe SOPCO's request for waiver as a request for a temporary certificate in that we believe this interpretation is consistent with SOPCO's intent.

In its request, SOPCO states that Peltco Oil Company, the producer of the gas, has informed SOPCO that shutting in the relevant wells located in offshore Louisiana, even for a temporary period, may result in water encroachment, permanent damage to the wells and permanent loss of reserves. SOPCO states further that, because of the serious nature of the water encroachment problems, Texas Eastern has exempted Peltco's Betty Field production from curtailments. Based on these allegations, we find that an emergency exists within the meaning of the Natural Gas Act.

Therefore, by his order, we issue a temporary certificate of public convenience and necessity to SOPCO, pursuant to section 7 of the Natural Gas Act, to provide the transportation on behalf of Texas Eastern as described in SOPCO's request for waiver. This authorization is issued without prejudice to such ultimate disposition of the application as the record may require.

The temporary certificate issued herein and the rights granted thereunder are conditioned upon SOPCO's compliance with the conditions specified in *The Superior Oil Company and Superior Offshore Pipeline Company*, Docket No. CP83-91-000, 23 FERC ¶ 61,165 (1983), except that ordering paragraphs B, C, I, J, and M shall not apply.

The temporary certificate issued herein and the rights granted thereunder are further conditioned upon SOPCO's compliance with all applicable Commission Regulations under the Natural Gas Act and particularly the general terms and conditions set forth in

<sup>7</sup> On April 8, 1986 EME amended its request for reconsideration to delete all references to transportation arrangements with Texas Eastern Transmission Company and Columbia Gas Transmission Company. EME states that it has been advised that these pipelines will provide transportation in accordance with applicable provisions of Order No. 436. EME now seeks to clarify only the transportation status of Transco. The arrangements with Columbia and Texas Eastern remain relevant, however, to the extent that they shed light on the issue of intent raised by EME.

<sup>8</sup> As we held in *U.S. Steel*, even if the transportation qualified as Order No. 319 transportation (former § 284.209(a)(1)), the parties are still bound by the terms of their transportation

contracts, including the termination dates.

Regulation of Natural Gas Pipelines of the Partial Wellhead Decontrol (U.S. Steel). 34 FERC ¶ 61,199 (1986).

<sup>1</sup> 33 FERC ¶ 61,007, 50 FR 42408 (October 18, 1985).

<sup>2</sup> 23 FERC ¶ 61,165 (1983).

<sup>3</sup> Section 284.100(c) requires that extension reports be filed ninety days prior to expiration. SOPCO was, therefore, required to file an extension report on January 31, 1985 in order to continue transportation pursuant to the blanket certificate. On October 15, 1985, SOPCO filed an extension report which was not accepted by the Commission due to lateness. 34 FERC ¶ 61,100 (1986).



paragraphs (a) and (e) of § 157.20 of such Regulations and upon payment by SOPCO of the applicable filing fees specified in § 381.207 (a) and (b)\* of the Commission's Regulations. The temporary certificate will be effective upon receipt of the filing fee.

We note that SOPCO's pleading indicates that gas may have been transported without authorization in violation of section 7(c) of the Natural Gas Act, 15 U.S.C. 717f(C). The authority granted by the temporary certificate issued herein, as conditioned, is purely prospective in nature, and does not preclude any further enforcement action by the Commission based on the transactions in question.

By the Commission.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 86-9240 Filed 4-23-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-196-001 et al.]

**Big Horn Energy Partners et al.; Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.**

*Comment date:* Thirty days from publication in the *Federal Register* in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

**1. Big Horn Energy Partners**

[Docket No. QF83-196-001]

April 18, 1986.

On April 9, 1986, Big Horn Energy Partners (Applicant), of 601 California Street, Suite 1303, San Francisco, California 94108, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing. The facility was previously certified as a qualifying cogeneration facility on May 16, 1983 (QF83-196-000).

The 15.0 MW small power production facility is located in Big Horn County, Montana approximately 3/4 mile north of Hardin, Montana. Applicant states that the primary energy sources of the facility are wastes in the form of subbituminous refuse and petroleum coke.

\* Final Rule, Fees Applicable to Natural Gas Pipelines, 50 FR 40332 (October 3, 1985), 32 FERC ¶ 61,469 (September 30, 1985).

**2. Fluor Resource Recovery of Massachusetts, Inc.**

[Docket No. QF86-667-000]

April 16, 1986.

On April 7, 1986, Fluor Resource Recovery of Massachusetts, Inc. (Applicant), of 3333 Michelson Drive, Irvine, California 92730, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 9.0 MW small power production facility will be located adjacent to the Springfield Regional Waste Water Treatment Plant at Agawam, Massachusetts. The primary energy source will be biomass in the form of municipal solid waste.

**Standard Paragraphs**

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 86-9236 Filed 4-23-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RM85-1-000 (Parts A-D)]

**Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol (Algonquin Gas Transmission Company); Order Dismissing Petition for Clarification**

Issued: April 18, 1986.

On March 7, 1986, Algonquin Gas Transmission Company requested clarification of Order No. 436 as it relates to correcting imbalances. Specifically Algonquin requests clarification whether, where an imbalance occurred in an upstream pipeline between the point of production and the ultimate point of delivery, such pipeline and all downstream pipelines in

the transportation chain can act with immunity against the open access and contract reduction requirements in Order No. 436.

On February 18, 1986, we issued an order in Docket No. RM85-1-000 clarifying the treatment of imbalances. 51 FR 6304 (1986), 34 FERC ¶ 61,207 (1986). In that order, we extended the period for correcting imbalances. We also clarified the methods by which pipelines may correct imbalances from transportation transactions performed after October 31, 1985, pursuant to the transition provisions of Order No. 436 without being subject to the conditions of that order. Specifically, we stated:

With respect to the procedures for correcting the imbalances, we have stated in the *Natural* order that "deliveries or other types of adjustments" made solely for the purpose of correcting deliveries made on or prior to October 31, 1985, will not subject the pipeline to §§ 284.8, 284.9, 284.10. We intend this language to provide the parties with flexibility in selecting the method for correcting the imbalances, provided that is their sole purpose. We view this authorization merely as a short-lived problem associated with the implementation of Order No. 436. The methods which *Natural* and *United* have described in their pleadings are permissible, as are other methods which the Commission has authorized in the past for correcting imbalances, provided they are used for the stated purpose. [34 FERC ¶ 61,207, at 61,353.]

Algonquin states that the above clarification only applies to situations where the imbalance occurred within a single pipeline. It requests clarification for those situations where the imbalance occurs in an upstream pipeline between the point of production and the point of delivery, and asks whether all downstream pipelines may transport the gas with immunity from Order No. 436.

As we stated in our February 18, 1986 order, we view the correction of imbalances as a short-term transitional problem. We expect pipelines to take appropriate measures to correct those imbalances, including necessary transportation, provided these measures are used only for that purpose. In this context, it would be counterproductive to exempt only one pipeline in a transportation chain from the Order No. 436 requirements. The February 18, 1986, order extending the time period for correcting imbalances applies to all pipelines in the transportation chain.

Since we have already addressed the issue raised by Algonquin in our February 18, 1986 clarification, we dismiss its petition.



By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-9186 Filed 4-23-86; 8:45 am]

BILLING CODE 6717-01-M

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1582]

### Petitions for Reconsideration and Clarification and Applications for Review of Actions in Rulemaking Proceedings

April 18, 1986.

Petitions for reconsideration and clarification and applications for review have been filed in the Commission rule making proceedings listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, NW., Washington, DC., or may be purchased from the Commission's copy contractor, International Transcription Service (202)-857-3800. Oppositions to these petitions and applications must be filed within 15 days after publication of this Public Notice in the **Federal Register**. Replies to opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: MTS and WATS Market Structure. (CC Docket No. 78-72)  
Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board. (CC Docket No. 80-286)

Number of Petitions received: 2

Subject: Detariffing the Installation and Maintenance of Inside Wiring. (CC Docket No. 79-105)

Number of Petitions received: 12

Subject: Policies Governing the Ownership and Operation of Domestic Satellite Earth Stations in the Bush Communities of Alaska. (CC Docket No. 80-584, RM-3304)

Number of Petitions received: 1

Subject: Detariffing of Billing and Collection Services. (CC Docket No. 85-88)

Number of petitions received: 2

### Application for Review Filed

SUBJECT: Complaint and Petition for Rulemaking Concerning Advertising of Terminal Equipment Registered under Part 68 of the Commission's Rules. (RM-4865)

Number of Petitions received: 1

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-9131 Filed 4-23-86; 8:45 am]

BILLING CODE 6712-01-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### FEMA Advisory Board Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act, announcement is made of the following FEMA Advisory Board meeting:

*Name:* Federal Emergency Management Agency Advisory Board.

*Date of Meeting:* May 7, 1986.

*Time:* 9:00 a.m. to 4:00 p.m.

*Place:* Federal Emergency Management Agency, Emergency Information and Coordination Center, 500 C Street, SW, Washington, DC 20472.

*Purpose:* FEMA executives will provide reports on the agency's budget and personnel reductions. The status of a review of civil defense programs will be provided and discussed. Program development concepts for the protection of national infrastructure assets will be discussed. A working session on the future work agenda for the Board will be conducted. Discussions will include classified information. The Director has determined that the Board meeting should be closed to the public because discussions will involve information that is specifically authorized to be kept "Secret" in the interest of national defense and is properly classified pursuant to the Executive Order.

Dated: April 18, 1986.

Bernard A. Maguire,

Associate Director, National Preparedness.

[FR Doc. 86-9121 Filed 4-23-86; 8:45 am]

BILLING CODE 6718-01-M

## FEDERAL HOME LOAN BANK BOARD

### Gateway Savings Bank; San Francisco, CA; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Gateway Savings Bank,

San Francisco, California, on April 14, 1986.

Dated: April 18, 1986.

Jeff Sconyers,

Secretary.

[FR Doc. 86-9196 Filed 4-23-86; 8:45 am]

BILLING CODE 6720-01-M

### Columbus Savings and Loan Association; San Rafael, CA; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Columbus Savings and Loan Association, San Rafael, California, on April 14, 1986.

Dated: April 18, 1986.

Jeff Sconyers,

Secretary.

[FR Doc. 86-9197 Filed 4-23-86; 8:45 am]

BILLING CODE 6720-01-M

### First American Savings and Loan Association; Oak Brook, IL; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for First American Savings and Loan Association, Oak Brook, Illinois on April 14, 1986.

Dated: April 14, 1986.

Jeff Sconyers,

Secretary.

[FR Doc. 86-9198 Filed 4-23-86; 8:45 am]

BILLING CODE 6720-01-M

### Summit Savings and Loan Association; Park City, UT; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Summit Savings and Loan Association, Park City, Utah on April 14, 1986.



Dated: April 18, 1986.

Jeff Sconyers,  
Secretary.

[FR Doc. 86-9199 Filed 4-23-86; 8:45 am]

BILLING CODE 6720-01-M

## FEDERAL MARITIME COMMISSION

### Ocean Freight Forwarder License Applicants; Accord Shipping Co. et al.

Notice is hereby given that the following persons have filed applications for licenses as ocean freight forwarders with the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and 46 CFR Part 510.

Persons knowing of any reason why any of the following persons should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Chang Goang-Yih dba Accord Shipping Company, 110 West Ocean Blvd., Suite 810, Long Beach, CA 90802

Michael W. Shaw dba Restricted Article Freight Forwarding, 708 South Hindry Avenue, Inglewood, CA 90301

Carnell Corporation, 8233 N.W. 66th Street, Miami, FL 33166

Officers: Ana Ordonez, President; Gerard J. Donovan, Vice President; Jorge Lara, Treasurer

Osvaldo Marrero dba Professional Services, 7790 N.W. 32 Street, Miami, FL 33122

Wice Marine Transport, 701 W. Manchester Blvd., Suite 102, Inglewood, CA 90301

Officer: Chee-Tao Tsui, Vice President

F.C. Forwarding, Inc., 2750 N.W. 79th Avenue, Miami, FL 33122

Officers: Alejandro C. Trasobares, President; Susel Menendez, Vice President; Sinforiana Leida Llano, Secretary/Treasurer

LCL International Packaging, 630 Glover, P.O. Box 14241, Detroit, MI 48214

Officers: Lucy Paplin, President; Charles Bradley, Vice President

Total Ex-port of Florida, Inc., 1420 N.W. 82nd Avenue, Miami, FL 33126

Officers: James Spies, President; Richard Schweitzer, Vice President; John Maser, Vice President; Ray Montesano, Vice President

By the Federal Maritime Commission.

Dated: April 21, 1986.

Tony P. Kominoth,  
Assistant Secretary.

[FR Doc. 86-9175 Filed 4-23-86; 8:45 am]

BILLING CODE 6730-01-M

### Ocean Freight Forwarder License Revocations; Qualitex Forwarding, Inc., et al.

Notice is hereby given that the following ocean freight forwarder licenses have been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR Part 510.

License Number: 2506

Name: Qualitex Forwarding, Inc.  
Address: 8221 N.W. 66th Street, Miami, FL 33166

Date Revoked: March 31, 1986

Reason: Failed to maintain a valid surety bond

License Number: 2144

Name: Forwarders International Limited  
Address: 165 Armstrong Road, Des Plaines, IL 60018

Date Revoked: April 1, 1986

Reason: Failed to maintain a valid surety bond

License Number: 1767

Name: Colon Forwarding, Inc.  
Address: 8013 N. W. 66th Street, Miami, FL 33166

Date Revoked: April 2, 1986

Reason: Failed to maintain a valid surety bond

License Number: 2719

Name: Samjung Forwarding Corp.  
Address: 17 Battery Place, Suite 1443, New York, NY 10004

Date Revoked: April 5, 1986

Reason: Failed to maintain a valid surety bond

License Number: 2641

Name: Stephen Walter Seaquist dba Maritime Transport International  
Address: 5385 N.E. 15th, Redmond, OR 97756

Date Revoked: April 9, 1986

Reason: Failed to maintain a valid surety bond

License Number: 521

Name: Raymond H. Hamson, Inc.  
Address: WTC., Commonwealth Pier, #305, Boston, MA 02210

Date Revoked: April 9, 1986

Reason: Failed to maintain a valid surety bond

License Number: 2408

Name: Worldwide Freight Forwarders, Inc.  
Address: 925 Market Street, Paterson, NJ 07513

Date Revoked: April 14, 1986

Reason: Surrendered license voluntarily  
Eugene P. Stakem,

Deputy Director, Bureau of Tariffs.

[FR Doc. 86-9176 Filed 4-23-86; 8:45 am]

BILLING CODE 6730-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Alcohol, Drug Abuse, and Mental Health Administration Meeting

**AGENCY:** Alcohol, Drug Abuse, and Mental Health Administration.

**ACTION:** Notice of Meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of the forthcoming meetings of the agency's initial review committees. These committees will be open for discussion of administrative announcements and program developments. The committees will be performing initial review of applications for Federal assistance. Therefore, portions of the meetings will be closed to the public as determined by the Acting Administrator, ADAMHA, in accordance with 5 U.S.C. 552(b)(6) and 5 U.S.C. App. 2 § 10(d). Notice of these meetings is required under the Federal Advisory Committee Act, Pub. L. 92-463.

**Committee Name:** National Advisory Council on Drug Abuse.

**Date and Time:** May 13-14: 9:00 a.m.

**Place:** National Institutes of Health, Building 31C, Conference Room 8, 9000 Rockville Pike, Bethesda, MD.

**Status of Meeting:** Open—May 13: 9:00 a.m.-12 noon; May 14: 9:00 a.m.-5:00 p.m. Closed—Otherwise.

**Contact:** Sheila H. Gardner, Room 10A-03, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, (301) 443-6460.

**Purpose:** The Council advises and makes recommendations to the Secretary, Department of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute on Drug Abuse, on the development of new initiatives and priorities and the efficient administration of drug abuse research, including prevention and treatment research, and research training. The Council also gives advice on policies and priorities for drug abuse grants and contracts, and reviews and makes final recommendations on grant applications.

**Committee Name:** National Advisory Mental Health Council.

**Date and Time:** May 19-21: 9:00 a.m.

**Place:** National Institutes of Health, Shannon Building, Building #1, Wilson Hall, 9000 Rockville Pike, Bethesda, MD 20892.

May 20-21: Parklawn Building, Conference Rooms G & H, 5600 Fishers Lane, Rockville, MD 20857.

**Status of Meeting:** Open—May 19: 9:00 a.m.-5:00 p.m. Closed—Otherwise.



**Contact:** Rachel Driver, Parklawn Building, Room 9-105, 5600 Fishers Lane, Rockville, MD (301) 443-1216.

**Purpose:** The Council advises the Secretary of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health regarding policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research and training in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and amounts of, these grants.

**Name of Committee:** National Advisory Council on Alcohol Abuse and Alcoholism.

**Date and Time:** May 29-30: 10:30 a.m.

**Place:** National Institutes of Health, Wilson Hall, Building #1, 9000 Rockville Pike, Bethesda, MD.

**Status of Meeting:** Open—May 29: 10:30 a.m.—5:00 p.m. Closed—Otherwise.

**Contact:** James Vaughan, Parklawn Building, Room 16C20, 5600 Fishers Lane, Rockville, MD 20857, (301) 443-4375.

**Purpose:** The Council advises the Secretary, Department of Health and Human Services regarding policy direction and program issues of national significance in the area of alcohol abuse and alcoholism. Reviews all grant applications submitted, evaluates these applications in terms of scientific merit and adherence to Department policies, and makes recommendations to the Secretary with respect to approval and amount of award.

**Name of Committee:** Psychopharmacological, Biological, and Physical Treatments Subcommittee of the Treatment Development and Assessment Research Review Committee

**Date and Time:** May 29-30: 1:30 p.m.

**Place:** Sonesta Beach Hotel, 350 Ocean Drive, Key Biscayne, Florida

**Status of Meeting:** Open—May 29: 1:30-2:30 p.m. Closed—Otherwise.

**Contact:** Pamela J. Mitchell, Parklawn Building, Room 9C14, 5600 Fishers Lane, Rockville, MD 20857, (301) 443-1367.

**Purpose:** The Subcommittee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and research training activities in the fields of treatment development and assessment with recommendations to the National Advisory Mental Health Council for final review.

Substantive information may be obtained from the contact persons listed above. Summaries of the meetings and rosters of committee members may be obtained as follows: NIAAA: Ms. Diana Widner, Committee Management Officer, Room 16C20, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4375. NIDA: Ms. Mary Kielkopf, Committee Management Officer, Room 10-22,

Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-1644; NIMH: Ms. Helen Garrett, Committee Management Officer, Room 9-95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4333.

The Alcohol, Drug Abuse, and Mental Health Advisory Board will focus on 3 programmatic areas. Subject matter experts will present an evaluation of effects of treatment and prevention efforts in alcohol, drug abuse, and mental health (ADM) disorders. Presentations will also focus on systems of financing and delivery of ADM services. The major topics will include optimizing the benefits of research in a more productive manner.

**Name of Committee:** Alcohol, Drug Abuse, and Mental Health Advisory Board.

**Date and Time:** May 19-20: 9:00 a.m.

**Place:** Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, MD.

**Contact:** Barbara Wagner, Room 12C26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852, (301) 443-4640.

**Status of Meeting:** Open.

**Purpose:** The Board assesses the national needs for alcoholism, alcohol abuse, drug abuse, and mental health treatment and prevention services and the extent to which those needs are being met by State, local, and private programs, and programs receiving funds under Title V and Part B of Title XIX of the Public Health Service Act. The Board provides advice and recommendations to the Secretary and to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration respecting these activities to assist in guiding national strategies aimed at the amelioration of alcohol, drug abuse, and mental health problems.

Dated: April 17, 1986.

Brenda L. Williamson,  
Acting Committee Management Officer,  
Alcohol, Drug Abuse, and Mental Health  
Administration.

[FR Doc. 86-9118 Filed 4-23-86; 8:45 am]

BILLING CODE 4160-20-M

## Centers for Disease Control

### Immunization Practices Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Date: May 12-13, 1986.

Place: Conference Room 207, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

Time: 8:30 a.m.

Type of Meeting: Open.

Contact Person: Jeffrey P. Koplan, M.D., Executive Secretary of Committee, Centers for Disease Control (1-2047), 1600 Clifton Road, NE., Atlanta, Georgia 30333.

Telephone: FTS: 236-3751.

Commercial: 404/329-3751.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents.

Agenda: The Committee will review and discuss recommendations on hepatitis B and pertussis; discuss HTLV-III infection and live virus; hear updates on rabies vaccine, measles, *Haemophilus influenzae*, and varicella-zoster; and consider other matters of relevance among the Committee's objectives.

Agenda items are subject to change as priorities dictate.

Dated: April 18, 1986.

Elvin Hilyer,

Associate Director for Policy Coordination,  
Centers for Disease Control.

[FR Doc. 86-9152 Filed 4-23-86; 8:45 am]

BILLING CODE 4160-18-M

## Food and Drug Administration

[Docket No. 86E-0115]

### Determination of Regulatory Review Period for Purposes of Patent Extension; Virazole

AGENCY: Food and Drug Administration.

ACTION: Notice.

**SUMMARY:** The Food and Drug Administration (FDA) has determined the regulatory review period for Virazole and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

**ADDRESS:** Written comments and petitions should be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm.



4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Philip L. Chao, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

**SUPPLEMENTARY INFORMATION:** The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) generally provides that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under that act, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product, Virazole (ribavirin), which is indicated for the treatment of carefully selected hospital infants with severe lower respiratory tract infections due to respiratory syncytial virus (RSV). Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Virazole from Viratek, Inc., and requested FDA's assistance in determining the patent's eligibility for patent term restoration. FDA, in a letter dated March 20, 1986, advised the Patent and Trademark Office that the human drug product had undergone a regulatory review period and that its active ingredient, ribavirin, represented the first permitted commercial marketing or use of that active ingredient. Shortly thereafter, the Patent and Trademark Office requested that

FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Virazole is 2,153 days. Of this time, 955 days occurred during the testing phase of the regulatory review period, while 1,198 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective:* February 10, 1980. The applicant claims that the notice of claimed investigational exemption (IND) was submitted on January 9, 1980. However, FDA did not receive the IND application until January 11, 1980. Therefore, under 21 CFR 312.1, the IND became effective on February 10, 1980.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the Federal Food, Drug, and Cosmetic Act:* September 21, 1982. FDA has verified the applicant's claim that the new drug application for the drug (NDA 18-859) was initially submitted on September 21, 1982.

3. *The date the application was approved:* December 31, 1985. FDA has verified that NDA 18-859 was approved on December 31, 1985.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 730 days of patent extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before June 23, 1986, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before October 21, 1986, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, Part 1, 98th Cong., 2d Sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments

and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Stuart L. Nightingale,  
Associate Commissioner for Health Affairs.  
[FR Doc. 86-9120 Filed 4-23-86; 8:45 am]  
BILLING CODE 4160-01-M

## Health Resources and Services Administration

### Application Announcement for a Grant for the Planning and Development of Computer-Based Simulations for Medical Training in Arthroscopy

The Bureau of Health Professions, Health Resources and Services Administration, announces that applications for a Fiscal Year 1986 grant for the planning and development of computer-based simulations for medical training in arthroscopy are now being accepted under the authority of section 788(b)(1) of the Public Health Service Act, as amended by Pub. L. 99-129.

Eligible entities for a grant under this authority are health professions, allied health, and nursing schools and any other public or nonprofit private entities which have: (1) Expertise and experience in the application of computer simulation to arthroscopy for use in medical education; (2) existing non-Federal funds committed for developmental work in this area; and (3) formal arrangements with nationally recognized organizations in the field of arthroscopy designed to facilitate future application of developmental efforts in the education and certification of physicians in this specialty area.

To receive support, applicants must meet the requirements of 42 CFR Part 57, Subpart NN.

The Administration's budget request for Fiscal Year 1986 does not include funding for this program. However, should funds become available unexpectedly for this purpose, this contingency action will assure that a grant can be awarded in a timely fashion consistent with the needs of the programs as well as to provide for even distribution of funds throughout the fiscal year. This notice regarding applications does not reflect any change in this policy.

Application materials will be sent only upon request. Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer (D31), Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8C-22, 5600 Fishers Lane,



Rockville, Maryland 20857, Telephone: (301) 443-6880.

Should additional programmatic information be desired, please contact: Multidisciplinary Resources Development Branch, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 4C-25, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443-3626.

The deadline date for receipt of applications is May 30, 1986.

Applications shall be considered as meeting the deadline if they are either:

(1) Received on or before the deadline date; or

(2) Postmarked on or before the deadline date, and received in time for submission to the independent review group.

A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

This program is not listed in the Catalog of Federal Domestic Assistance, therefore, no catalog number has been assigned. Applications submitted in response to this announcement are not subject to Intergovernmental Review under provisions of Executive Order 12373, Intergovernmental Review of Federal Programs, or 45 CFR Part 100.

Dated: April 16, 1986.

John H. Kelso,

Acting Administrator.

[FR Doc. 86-9117 Filed 4-23-86; 8:45 am]

BILLING CODE 4160-15-M

## National Institutes of Health

### National Cancer Institute, Board of Scientific Counselors, Division of Cancer Prevention and Control, Budget and Evaluation Subcommittee Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Budget and Evaluation Subcommittee of the Board of Scientific Counselors, Division of Cancer Prevention and Control, National Cancer Institute, National Institutes of Health, May 7, 1986 to be held in Conference Room 2, Building 31A, 9000 Rockville Pike, Bethesda, Maryland 20892. This meeting will be open to the public on May 7 from 7:30 p.m. to adjournment to review budgetary and evaluation issues related to programs and policies of the Division of Cancer Prevention and Control. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (Telephone: 301-496-5708) will provide summaries of the meeting and rosters of subcommittee members upon request.

Mr. J. Henry Montes, Executive Secretary, Board of Scientific Counselors, Division of Cancer Prevention and Control, National Cancer Institute, Blair Building, Room 1A07, National Institutes of Health, Bethesda, Maryland 20892 (Telephone: 301-427-8630) will furnish substantive program information.

Dated: April 17, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86-9206 Filed 4-23-86; 8:45 am]

BILLING CODE 4140-01-M

### National Cancer Institute, Board of Scientific Counselors, Division of Cancer Prevention and Control, Centers and Community Oncology Subcommittee Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Centers and Community Oncology Subcommittee of the Board of Scientific Counselors, Division of Cancer Prevention and Control, National Cancer Institute, National Institutes of Health, April 30, 1986, to be held in Conference Room 8, Building 31C, 9000 Rockville Pike, Bethesda, Maryland 20892. This meeting will be open to the public on April 30, from 10:00 a.m. to 3:00 p.m., to review programs and policies of the Centers and Community Oncology Program of the Division of Cancer Prevention and Control. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496-5708) will provide summaries of the meeting and rosters of committee members upon request.

Mr. J. Henry Montes, Executive Secretary, Board of Scientific Counselors, Division of Cancer Prevention and Control, National Cancer Institute, Blair Building, Room 1A07, National Institutes of Health, Bethesda, Maryland 20892 (301/496-7421) will furnish substantive program information.

Dated: April 17, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86-9207 Filed 4-23-86; 8:45 am]

BILLING CODE 4140-01-M

### National Cancer Institute, Board of Scientific Counselors, Division of Cancer Prevention and Control; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Prevention and Control, National Cancer Institute, National Institutes of Health, May 8-9, 1986, to be held in Wilson Hall, Building 1, 9000 Rockville Pike, Bethesda, Maryland 20892. This meeting will be open to the public on May 8 from 8:30 a.m. to 5:00 p.m. and on May 9 from 8:30 a.m. to adjournment to review programs and policies of the Division of Cancer Prevention and Control. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301-496-5708) will provide summaries of the meeting and rosters of committee members upon request.

Mr. J. Henry Montes, Executive Secretary, Board of Scientific Counselors, Division of Cancer Prevention and Control, National Cancer Institute, Blair Building, Room 1A07, National Institutes of Health, Bethesda, Maryland 20892 (Telephone: 301-427-8630) will furnish substantive program information.

Dated: April 17, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86-9208 Filed 4-23-86; 8:45 am]

BILLING CODE 4140-01-M

### Office of Human Development Services

#### President's Committee on Mental Retardation; Meeting

Agency holding the meeting: President's Committee on Mental Retardation.

Time and date: May 13, 1986, Tuesday, Steering Committee 1:00-3:00 p.m. Subcommittees 3:00-6:00 p.m. May 14, 1986, full committee, 9:00 a.m.-5:00 p.m.

Place: Channel Inn, 650 Water Street, SW., Washington, DC 20024.



Status: Meetings are open to the public. An interpreter for the deaf will be available upon advance request. All locations are barrier free.

Matters to be considered: Reports by the Steering Committee of the President's Committee on Mental Retardation (PCMR) will be given. The PCMR plans to discuss critical issues concerning prevention, family and community services, full citizenship, public awareness and other issues relevant to the PCMR's goals.

The PCMR: (1) acts in an advisory capacity to the President and the Secretary of the Department of Health and Human Services on matters relating to programs and services for persons who are mentally retarded; and (2) is responsible for evaluating the adequacy of current practices in programs for the retarded, and reviewing legislative proposals that affect the mentally retarded.

Contact person for more information: Susan Gleeson, R.N., M.S.N., 330 Independence Ave., SW., Room 4061—North, Washington, DC 20201, (202) 245-7634.

Dated: April 18, 1986.

Susan Gleeson,

Executive Director, PCMR.

[FR Doc. 86-9242 Filed 4-23-86; 8:45 am]

BILLING CODE 4130-01-M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Endangered Species Convention; (CITES Export Tag Symbol)

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of CITES Export Tag Symbol.

**SUMMARY:** The United States-CITES Export Tag Symbol depicted in Figure 1 is the official symbol of the United States-CITES export tag program for species listed on the Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), as administered by the United States Fish and Wildlife Service, United States Department of the Interior.

Further, notice is given that, under section 701 of Title 18 of the United States Code, whoever manufactures or sells this symbol without express authorization of the United States Fish and Wildlife Service, or illegally possesses any export tag bearing this

symbol or any colorable imitation thereof, or by photographs, prints, or in any other manner makes or executes any engraving, photograph, print, or impression in the likeness of this symbol on a tag, badge, card, letterhead, or marker, or any other type of copy or any colorable imitation thereof, except as authorized under regulations, shall be fined not more than \$250 for each offense or imprisoned not more than 6 months, or both.

**DATE:** This notice is effective April 24, 1986.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard K. Robinson, Acting Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, 1000 North Glebe Road, Room 611 Arlington, Virginia 22201, telephone (703) 235-1937.

**SUPPLEMENTARY INFORMATION:** Under the terms of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Article IV, export of specimens of species listed in Appendix II may occur only if an export permit has been issued by the Service. Export permits may be issued only when (a) the U.S. Scientific Authority (SA) has advised that such exports will not be detrimental to the survival of that species and (b) the U.S. Management Authority (MA) is satisfied that the specimen was not obtained in contravention of laws for the protection of fauna and flora. The Service carries out both SA and MA responsibilities for the United States.

Evidence of legal taking for American alligator, Alaskan gray wolf, Alaskan brown or grizzly bear, bobcat, lynx, and river otter, is provided by Service-approved, State tagging systems. Each skin of a listed species must be clearly identified as to species, State or origin, and season of take by a permanently attached, serially numbered tag of a Service-approved type and attached under conditions established by the Service.

Notice is given that in order to prevent unauthorized use of the distinctive United States-CITES export tag symbol, and to ensure against its use for purposes other than properly signifying export legality of CITES-listed species from the United States in a comprehensive export program administered by the United States Fish and Wildlife Service, any unauthorized user will be subject to the provisions of 18 U.S.C. 701.

Dated: April 17, 1986.

P. Daniel Smith,

Assistant Secretary for Fish and Wildlife, and Parks.

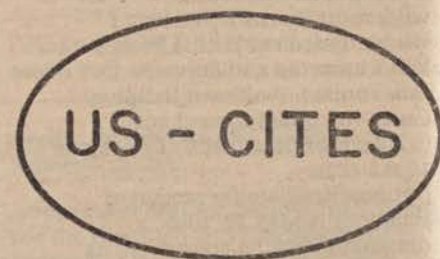


Figure 1.

[FR Doc. 86-9215 Filed 4-23-86; 8:45 am]

BILLING CODE 4310-55-M

### Bureau of Land Management

#### Intent To Amend Land Use Plans and Prepare an EIS; Idaho

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Notice of intent to prepare plan amendments and an Environmental Impact Statement and Invitation for public participation. The BLM proposes to amend seven Management Framework Plans (MFPs), two Resource Management Plans (RMPs), and conduct one planning analysis on an area for which no land use plan exists. The purpose of this planning activity is to evaluate the suitability of nine small (less than 5,000 acres) wilderness study areas (WSAs) for designation as wilderness.

On December 30, 1982, Secretary of Interior, James Watt, published a Secretarial Order deleting from wilderness study, all areas identified through section 603 of the Federal Land Policy and Management Act that contain less than 5,000 acres of public land. This Secretarial Order was vacated by a U.S. District Court Decision on April 18, 1985. The nine WSAs being addressed now were among those dropped and then reinstated by the Court decision. They are located in central and southern Idaho. The nine areas, the BLM identifying number, the acreage, location by county, name of plan being amended, and issues anticipated in each WSA are as follows:

1. Box Creek—ID-110-91A, 428 acres, Valley County, no existing plan, issues: (1) The effect of wilderness designation on hydroelectric development, (2) the effect of hydroelectric development on



wilderness values, (3) the effect of timber harvest on visual resources and the water quality of Box Creek, (4) the effect on wilderness values of designation or nondesignation as wilderness, and (5) the effect of wilderness management for Box Creek WSA upon the wilderness values of the U.S. Forest Service's adjacent Lick Creek RARE II area.

2. *Lower Salmon Falls Creek*—ID-17-10, 3,500 acres, Twin Falls County, Jarbidge RMP and Twin Falls MFP, issues: (1) The effect on wilderness designation on hydroelectric development, (2) the effect of hydroelectric development on wilderness values, and (3) the effect on wilderness values of designation or nondesignation as wilderness.

3. *Henry's Lake*—ID-35-77, 350 acres, Fremont County, Medicine Lodge RMP, issues: (1) Effects on wilderness values of designation or nondesignation as wilderness, and (2) effects of wilderness designation on the potential for sale or exchange of 22 acres in the southern part of the WSA, and (3) the effects of wilderness management for Henry's Lake WSA upon the wilderness values of the U.S. Forest Service adjacent Lion's Head RARE II area.

4. *Worm Creek*—ID-37-77, 40 acres, Bear Lake County, Bear Lake MFP, issues: (1) Effects on wilderness values of designation or nondesignation as wilderness, (2) effects on timber harvest of designation as wilderness, (3) effects on oil and gas exploration and development of designation as wilderness, and (4) the effects of wilderness management for Worm Creek WSA upon the wilderness values of the U.S. Forest Service's adjacent Worm Creek RARE II area.

5. *Goldburg*—ID-45-1, 3,290 acres, Custer County, Ellis/Pahsimeroi MFP, issues: (1) Effects on wilderness values of designation or nondesignation as wilderness, (2) effects of wilderness designation on the potential for land exchange with the State of Idaho, and (3) effects of wilderness management for Goldburg WSA upon the wilderness values of the U.S. Forest Service's adjacent North Lemhi RARE II area.

6. *Boulder Creek*—ID-46-13, 1,930 acres, Custer County, Challis MFP, issues: (1) Effects on wilderness values of designation or nondesignation as wilderness, and (2) the effects of wilderness management for Boulder Creek WSA upon the wilderness values of the U.S. Forest Service's adjacent Boulder-White Clouds RARE II area.

7. *Borah Peak*—ID-47-4, 3,100 acres, Custer County, Mackay MFP, issues: (1) Effects on wilderness values of designation or nondesignation as

wilderness, and (2) the effects of wilderness management for Borah Peak WSA upon the wilderness values of the U.S. Forest Service's adjacent Borah Peak RARE II area.

8. *Little Wood River*—ID-53-4, 4,385 acres, Blaine County, Sun Valley MFP, issues: (1) Effects on wilderness values of designation or nondesignation as wilderness, and (2) the effects of wilderness management for Little Wood River WSA upon the wilderness values of the U.S. Forest Service's adjacent Pioneer Mountains RARE II area.

9. *Black Butte*—ID-54-2, 4,002 acres, Lincoln and Blaine Counties, Bennett Hills MFP, issues: (1) Effects on wilderness values of designation or nondesignation as wilderness, (2) effects on wilderness values of slab lava mining.

#### Public Participation

The public is invited and encouraged to participate in the plan amendment and EIS preparation process. Now is the time to identify concerns or issues regarding specific WSAs. To insure their consideration in the planning process, these concerns should be submitted by May 30, 1986. The issues identified, including those listed here, will determine the alternatives considered. Alternatives identified to date include *all wilderness* and *no wilderness* (no action) for each WSA.

Planning criteria guide the development of the amendment and provide parameters for analysis and decisionmaking. The planning criteria to be used for these amendments are those published in the *Federal Register* on February 3, 1982, under the title *Wilderness Study Policy; Policies, Criteria, and Guidelines for Conducting Wilderness Studies on the Public Lands*. These criteria require the evaluation of wilderness values of each WSA and its manageability as wilderness. The wilderness recommendation from this planning effort, whether suitable for preservation as wilderness or unsuitable, will be based upon these criteria. After the public scoping (issue identification) process, criteria will be developed for each resource element that represents an issue in the planning effort. The public will be given the opportunity to review these criteria about June 1986.

The next specific opportunity for public participation will be the review of the draft amendments and EIS. The draft EIS will be distributed for public review in early 1987. The review period will include a public hearing for the purpose of gathering testimony regarding the suitability or unsuitability of the WSAs for preservation as wilderness.

**FOR MORE INFORMATION OR TO IDENTIFY ISSUES CONTACT:** Gary L. Wyke, Project Manager, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706. Telephone 208-334-1952.

Dated: April 15, 1986.

**Delmar D. Vail,**  
State Director, Idaho Bureau of Land Management.

[FR Doc. 86-9177 Filed 4-23-86; 8:45 am]

BILLING CODE 4310-84-M

#### District Advisory Council; Open Meeting

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with Pub. L. 94-579 (FLPMA), a District Advisory Council meeting will be held on the dates listed below.

**DATES AND TIME:** May 13, 1986, 9:00 a.m. and May 14, 1986, 8:00 a.m.

**ADDRESS:** Bureau of Land Management, 705 Hall Street, Susanville, CA 96130.

**SUPPLEMENTARY INFORMATION:** Agenda will include such topics as:

1. Update on High Rock Wilderness Technical Review Team and Ft. Sage Technical Review Team.
2. Update on Bizz Johnson Trail.
3. Slide presentation and discussion on riparian management.
4. Discussion on the management of wild horses.
5. The tour on May 13 will include wildfire ravaged Bass Hill, Turtle Mountain, and Dry Valley public lands. Fire rehabilitation efforts will be noted in these areas.
6. The tour on May 14 will feature Snowstorm, Ravendale, or Fredonyer prescribed burn areas. The two tours will allow participants to observe the differences between wildfires and fire rehabilitated areas.

The meeting is open to the public and time will be provided for public comment. Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction within 30 days following the meeting.

**FOR FURTHER INFORMATION CONTACT:** Louisa Beld, Public Affairs Officer, Bureau of Land Management, 705 Hall Street, Susanville, CA 96130, 916/257-5381.

**Robert J. Sherve,**  
Acting District Manager.

[FR Doc. 86-9156 Filed 4-23-86; 8:45 am]

BILLING CODE 4310-40-M



[A-21055]

**Federal Minerals Exchange, Cochise, La Paz, Pima, Pinal, Yavapai, and Yuma Counties, AZ****AGENCY:** Bureau of Land Management (BLM), Interior.**ACTION:** Notice of Realty Action—Exchange, Federal Minerals in Cochise, La Paz, Pima, Pinal, Yavapai, and Yuma Counties, Arizona.

**SUMMARY:** The following described Federal mineral estate has been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716: All or part of the following subject sections are affected by this proposal.

**Gila and Salt River Meridian, Arizona**

- T. 15 S., R. 9 E.,  
Sec. 13, 14, 15, 25, 26, 27, 28, 29, 31, 33, 34, 35.  
T. 16 S., R. 9 E.,  
Sec. 1, 3, 4, 6, 12, 13, 23, 24, 25.  
T. 15 S., R. 10 E.,  
Sec. 15, 23, 24, 25, 26, 29, 35.  
T. 16 S., R. 10 E.,  
Sec. 6, 8, 9, 14, 17, 18, 19, 20, 21, 25, 26, 27, 28, 31.  
T. 17 S., R. 10 E.,  
Sec. 4, 6, 9.  
T. 18 S., R. 10 E.,  
Sec. 33, 34.  
T. 19 S., R. 10 E.,  
Sec. 3, 4.  
T. 16 S., R. 11 E.,  
Sec. 5, 6, 7, 8, 9, 17, 18, 19, 20, 21, 28, 29.  
T. 8 S., R. 14 E.,  
Sec. 12, 17, 18, 19, 20, 23, 26, 27, 28, 29, 30, 31, 33, 34, 35.  
T. 6 S., R. 15 E.,  
Sec. 4, 5, 6, 9, 13, 14, 15, 17, 18, 21, 22, 23, 24, 26, 27, 34, 35.  
Comprising 49,159.02 acres, more or less.

In exchange for the federal mineral estate described above, the United States will acquire the following state-owned mineral estate located within the Kofa, Cibola and Cabeza Prieta National Wildlife Refuges. All interest acquired within the National Wildlife Refuges under this exchange will be administered by the U.S. Fish and Wildlife Service.

**Gila & Salt River Meridian, Arizona****Kofa National Wildlife Refuge**

- Township 1 N., R. 15 W.,  
Sec. 2, 16, 32, 36.  
Township 2 N., R. 15 W.,  
Sec. 2, 16, 32, 36.  
Township 1 N., R. 18 W.,  
Sec. 2, 16, 32, 36.  
Township 2 N., R. 18 W.,  
Sec. 2, 32, 36.  
Township 4 S., R. 15 W.,  
Sec. 2, 16, 32, 36.  
Township 4 S., R. 16 W.,  
Sec. 2, 16, 32, 36.

**Cibola National Wildlife Refuge**

- Township 1 S., R. 23 W.,  
Sec. 32.

**Cabeza Prieta National Wildlife Refuge**

- Township 14 S., R. 7 W.,  
Sec. 2, 16.

Additionally, the United States will acquire the following state-owned mineral estate located within the Organ Pipe Cactus National Monument and Fort Bowie National Historical Site. All interest acquired within the Organ Pipe Cactus National Monument and Fort Bowie National Historical Site under this exchange will be administered by the National Park Service.

**Organ Pipe Cactus National Monument**

- Township 14 S., R. 5 W.,  
Sec. 32, 36.  
Township 14 S., R. 6 W.,  
Sec. 32, 36.  
Township 14 S., R. 7 W.,  
Sec. 32.

**Fort Bowie National Historical Site**

- Township 15 S., R. 28 E.,  
Sec. 2.

The United States will also acquire the following described state-owned mineral estate located under lands held by the United States and administered by the Bureau of Land Management:

- Township 11 N., R. 10 W.,  
Sec. 32.  
Township 12 N., R. 10 W.,  
Sec. 32.  
Township 6 N., R. 11 W.,  
Sec. 3, 4, 6, 7, 8.  
Township 7 N., R. 11 W.,  
Sec. 10, 11, 12, 15, 19, 20, 21, 22, 27, 28, 29, 30, 31, 33.  
Township 9 N., R. 11 W.,  
Sec. 2, 16.  
Township 10 N., R. 11 W.,  
Sec. 2, 32, 36.  
Township 11 N., R. 11 W.,  
Sec. 32, 36.  
Township 6 N., R. 12 W.,  
Sec. 2, 10, 24.  
Township 7 N., R. 12 W.,  
Sec. 22, 23, 24, 25, 26, 27, 32, 34, 35.  
Township 9 N., R. 12 W.,  
Sec. 2, 16, 32, 36.  
Township 10 N., R. 12 W.,  
Sec. 16, 32, 36.  
Township 10 N., R. 13 W.,  
Sec. 16, 32, 36.  
Township 10 N., R. 14 W.,  
Sec. 16.  
Comprising 49,172.12 acres, more or less.

The purpose of this exchange is to unite State and Federal split estates, thereby eliminating surface management difficulties and providing for the consolidation of surface and mineral ownership.

Based on leasable and locatable mineral potential reports, it has been determined that the overall potential mineral value of the State and Federal

mineral estates are approximately equal.

The above described mineral estates are not encumbered by mining claim locations. They are, however, encumbered by a number of oil and gas leases.

Mineral estates to be transferred from the United States to the State of Arizona will be subject to the following terms and conditions:

1. Oil and gas leases A-14516 and A-17748, and the right of the mineral lessee to occupy and use as much as the surface of the land as may be reasonably necessary for mineral leasing operations, in accordance with the Acts of February 25, 1920 and March 4, 1933 (30 U.S.C. 186, 126). The United States will continue to administer these leases until their expiration or cessation of operations, at which time the leasing function will transfer to the State of Arizona.

2. Subject to all valid existing rights and those applications on record as of the date of that notice.

Minerals to be acquired by the United States from the State of Arizona will be subject to the following terms and conditions:

1. Oil and gas leases 13-87340 and 13-87343 with the right to explore for and remove such deposits. The State of Arizona will continue to administer these leases until their expiration or cessation of operations, at which time the leasing function will transfer to the United States.

Publication of this notice shall segregate the federal minerals, as described in this notice, from appropriation under the mining laws with the exception of the mineral leasing laws. This segregative effect shall terminate upon the issuance of a patent or two years from the date of this notice, or upon publication of a Notice of Termination.

Detailed information concerning the exchange, including the environmental assessment, the locatable mineral potential, and the leasable mineral potential reports, can be obtained from the Phoenix Resource Area Manager, 2015 West Deer Valley Road, Phoenix, Arizona 85027. For a period of forty-five (45) days, from the date of this notice, interested parties may submit comments to the Phoenix District Manager, 2015 West Deer Valley Road, Phoenix, Arizona 85027. Any adverse comments will be reviewed by the State Director, who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.



Dated: April 15, 1986.

Marlyn V. Jones,  
District Manager.

[FR Doc. 86-9157 Filed 4-23-86; 8:45 am]

BILLING CODE 4310-32-M

[I-14909 et al.]

### Idaho; Proposed Continuation of Withdrawals

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Forest Service, Department of Agriculture proposes that 491.25 acres of withdrawals for the Dog Creek Recreation Area and the Boiling Springs, Crawford, Long Gulch, Third Fork, Idaho Ranger Station, High Valley, Garden Valley Ranger Station, Lick Creek, Elk Creek and Idaho City Administrative Sites, continue for an additional 20 years, which is the anticipated time the sites will continue to be used. These lands will remain closed to surface entry, and mining, but not mineral leasing.

**DATE:** Comments should be received within 90 days of the date of publication of this notice.

**ADDRESS:** Comments should be sent to: Idaho State Director, Bureau of Land Management, 3380 Americana Terrace, Boise, ID 83706.

**FOR FURTHER INFORMATION CONTACT:** Larry R. Lievsay, Idaho State Office, 208-334-1735.

The Forest Service proposes that the existing land withdrawals made by Secretarial Orders of December 13, 1906, December 23, 1907, October 23, 1908, September 26, 1908, December 15, 1906, November 11, 1925, January 11, 1908, and Public Land Orders Number 4257 of December 18, 1967 and Number 773, of December 19, 1951, be continued for a period of 20 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The land is described as follows:

[I-14914]

T. 12 N., R. 5 E., B.M.,  
Sec. 21, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 14 N., R. 4 E., B.M.,  
Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

[I-14909]

T. 3 N., R. 7 E., B.M.,  
Sec. 21, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

[I-14928]

T. 12 N., R. 1 E., B.M.,  
Sec. 14, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

[I-14932]

T. 6 N., R. 5 E., B.M.,  
Sec. 26, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

Sec. 27, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

[I-14946]

T. 10 N., R. 3 E., B.M.,  
Sec. 7, that portion of lot 3 described as follows: Beginning at the NW corner of lot 3 which is the True Point of Beginning; thence south 660 feet along the west boundary line of lot 3 to a point; thence north 660 feet to a point; thence west 660 feet along the north boundary line of lot 3 to the True Point of Beginning.

[I-14906]

T. 8 N., R. 4 E., B.M.,  
Sec. 1, lots 1 and 2.

T. 9 N., R. 7 E., B.M.,  
Sec. 35, lots 5 and 6, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

[I-2348]

T. 2 N., R. 10 E., B.M.,  
Sec. 7, N $\frac{1}{2}$  of lot 1, SW $\frac{1}{4}$  of lot 1,  
N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

[I-14882]

T. 13 N., R. 9 E., B.M.,  
Sec. 32, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 6 N., R. 5 E., B.M.,  
Sec. 26, lots 4 and 5;  
Sec. 27, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 34, lot 1.

The area described above aggregates 491.25 acres in Valley, Boise, Elmore and Gem Counties.

The withdrawals are essential for protection of substantial capital improvements on the Administrative and Recreation Sites. The withdrawals closed the described lands to surface entry, and mining but not mineral leasing. No change in the segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuations may present their views in writing to the Idaho State Director at the above address.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawals will be continued, and if so, for how long. The final determination of the withdrawals will be published in the *Federal Register*. The existing withdrawals will continue until such final determination is made.

Dated: April 18, 1986.

William E. Ireland,  
Chief, Realty Operations Section.

[FR Doc. 86-9221 Filed 4-23-86; 8:45 am]

BILLING CODE 4310-GG-M

[I-22434]

### Realty Action; Idaho Falls District; Correction

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Correction on Notice of Realty Action, I-22434, Non-competitive Sale of Public Lands in Bonneville County, Idaho.

**SUMMARY:** The legal description published on April 10, 1986 in FR Vol. 51, No. 69, p. 12402 is incorrect. It should read as follows: T. 1 N., R. 43 E., Boise Meridian.

O'dell A. Frandsen,  
District Manager.

April 18, 1986.

[FR Doc. 86-9226 Filed 4-23-86; 8:45 am]

BILLING CODE 4310-GG-M

[M 60358]

### Realty Action, Petroleum County, Montana

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of conveyance and order providing for opening of public land in Petroleum County, Montana.

**SUMMARY:** This order will open lands reconveyed to the United States in an exchange under the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq. (FLMPA), to the operation of the public land laws. It also informs the public and interested state and local governmental officials of the issuance of the conveyance document.

**DATE:** At 9 a.m. on June 16, 1986, the lands reconveyed to the United States shall be open to the operation of the public land laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. The lands described in paragraph 1 below were segregated from settlement, sale, location and entry, including the mining laws, but not from exchange, by the Notice of Realty Action published in the *Federal Register* on September 5, 1985 (50 FR 36156). The segregation terminated on issuance of the deed on April 7, 1986.

**ADDRESS:** For further information contact: Edward H. Croteau, Chief, Lands Adjudication Section, BLM, Montana State Office, P.O. Box 36800, Billings, Montana 59107, Phone (406) 657-6082.

### SUPPLEMENTARY INFORMATION:

1. Notice is hereby given that pursuant to Sec. 206 of FLPMA, the following described land, with a reservation to the



United States of all oil and gas deposits, was conveyed to the County of Petroleum, in the State of Montana:

**Principal Meridian, Montana**

T. 14 N., R. 28 E.,  
Sec. 2, lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$ .  
T. 14 N., R. 27 E.,  
Sec. 6, lots 1-10 of Block 13, Rimrock  
Addition to the town of Winnett.  
Aggregating 326.584 acres.

2. In exchange for the above selected land, the United States acquired the following described land, with a reservation to the County of all oil and gas deposits, in Petroleum County, Montana:

**Principal Meridian, Montana**

T. 15 N., R. 26 E.,  
Sec. 27, W $\frac{1}{2}$ SW $\frac{1}{4}$ ; Sec. 28, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 34, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 17 N., R. 28 E.,  
Sec. 21, NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Aggregating 340 acres.

3. The federal public land was valued at \$30,500 and the nonfederal land was valued at \$30,000. A \$500 cash equalization was paid to the United States.

4. At 9 a.m. on June 16, 1986, the lands described in paragraph 2 above that were conveyed to the United States will open to the operation of the public land laws.

**John A. Kwiatkowski,**  
*Deputy State Director, Division of Lands and Renewable Resources.*

April 16, 1986.

[FR Doc. 86-9220 Filed 4-23-86; 8:45 am]

BILLING CODE 4310-DN-M

[NM-63095]

**Exchange of Lands; New Mexico**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Realty Action, NM-63095—Exchange of Public Lands and Minerals with New Mexico State Lands and Minerals in Eddy County, New Mexico.

**SUMMARY:** The following described public lands have been determined to be suitable for disposal by exchange under authority: FLPMA Exchange, Section 206. These lands represent a pool of lands from which the State will be allowed to select parcels until equal values are achieved.

**New Mexico Principal Meridian**

T. 21 S., R. 31 E., Sec. 23, SE $\frac{1}{4}$ —160 acres;  
Sec. 24, SW $\frac{1}{4}$ —160 acres; Sec. 25,  
E $\frac{1}{2}$ NW $\frac{1}{4}$ —80 acres; Sec. 26, All—640 acres;  
Sec. 27, E $\frac{1}{2}$ —320 acres; Sec. 34, NE $\frac{1}{4}$ ,  
N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ —280 acres; Sec. 35, All—  
640 acres; T. 22 S., R. 31 E., Sec. 1, Lots 3 & 4,

S $\frac{1}{2}$ NW $\frac{1}{4}$ —159.43 acres; Sec. 5, All—639.72  
acres; comprising 3,079.15 acres in Eddy  
County, New Mexico.

In exchange for some of these lands, the United States will acquire the following described lands from the State of New Mexico:

**New Mexico Principal Meridian**

T. 22 S., R. 31 E., Sec. 16, All—640 acres;  
Sec. 32, All—640 acres; comprising 1,280  
acres in Eddy County, New Mexico.

This exchange will include both surface and all mineral estates.

The purpose of this exchange is to acquire the State lands and minerals to accommodate the U.S. Department of Energy with their full implementation of the Waste Isolation Pilot Plant (WIPP) Project. The project's design is the safe disposal of low level nuclear waste.

Lands to be transferred from the United States will be subject to the following reservations, terms, and conditions:

1. A reservation thereon for ditches and canals to be constructed by the authority of the U.S. Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945).

2. The patent will be subject to the terms and conditions of valid existing rights-of-way. The rights-of-way will then be assigned to the New Mexico State Land Office for administration.

This exchange will be subject to the approval of the Carlsbad Resource Management Plan.

Existing Federal grazing lessees, on the affected lands, will be offered a State Land Office grazing lease (up to the legal maximum of five years) with the preferential right of renewal.

Existing range improvements, within the interior of the Federal lands, will be transferred to the State Land Office. The value of these improvements was included in the appraisal. Other range improvements, such as fences bordering the Federal lands, will remain under BLM authorization.

Existing Federal potash leases will be acquired by DOE.

Publication of this notice segregates the Federal lands from appropriation under any of the land entry laws, including the mining laws but not the mineral leasing laws, for a period of two years from the date of first publication.

For a period of 45 days, from the date of first publication, interested parties may submit comments to:

Bureau of Land Management, Carlsbad  
Resource Area, P.O. Box 1778,  
Carlsbad, NM 88220

Bureau of Land Management, Roswell  
District Office, P.O. Box 1397, Roswell,  
NM 88201.

Further information concerning the exchange, including the environmental

assessment and land report, is available for review at the Carlsbad Resource Area Office, 101 E. Mermod, Carlsbad, NM.

**Francis R. Cherry, Jr.**

*District Manager.*

April 8, 1986.

[FR Doc. 86-9165 Filed 4-23-86; 8:45 am]

BILLING CODE 4310-FB-M

[W-89046]

**Wyoming; Realty Action Bureau Motion Lease and/or Sale of Public Lands for Recreation and Public Purposes**

The following described public land near the community of Dubois, Fremont County, Wyoming have been examined and found suitable for classification for lease and/or sale under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869 et seq.):

T.42N., R.107W, 6th Principal Meridian,  
Sec. 27: W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , W $\frac{1}{2}$ W $\frac{1}{2}$ S  
E $\frac{1}{4}$ .  
(240 acres).

The subject land would be leased and/or sold to Dubois Gun Club, a non-profit association, which has applied to lease and/or purchase the land for a firearms shooting range complex which would be open for public use.

The land is physically suited for the proposed use and is not of national significance. Since this land is valuable for a local program, it is considered chiefly valuable for public purposes and therefore suitable for classification for lease and/or sale under the Recreation and Public Purposes Act. This action conforms with the Bureau of Land Management Dubois Management Framework Plan and the Draft Lander Resource Management Plan.

The lease would have a term of 20 years and will be renewable. Under the special pricing provision, the rental shall be \$25.00 the first year. Rental thereafter will be subject to appraisal. The subject area may be purchased by the Dubois Gun Club after the shooting complex has been developed according to a BLM-approved plan of development and management. The grazing lease of Parker Land and Cattle Company would be cancelled on the subject area if the land is sold to the Dubois Gun Club. Upon publication of this notice in the Federal Register, the lands will be segregated from all forms of appropriation under the public land laws, including locations under the mining laws, except as to applications under mineral leasing laws and



applications under the Recreation and Public Purposes act.

Detailed information concerning the lease and/or sale, including the environmental assessment/land report, is available for review at the Bureau of Land Management, Lander Resource Area Office, 125 Sunflower, Lander, Wyoming.

For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82310. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any adverse comments, this classification will become effective 60 days from the date of publication of this notice.

Upon the effective date of classification, the lands will be open to the filing of an application under the Recreation and Public Purposes Act by any interested, qualified applicant. If, after 18 months following the effective date of classification, an application has not been filed, the segregative effect of the classification shall automatically expire and the lands classified shall return to their former status without further action by the Authorized Officer.

Richard Bastin,  
District Manager.

[FR Doc. 86-9155 Filed 4-23-86; 8:45 am]

BILLING CODE 4310-22-M

[W-89645]

### Wyoming; Realty Action, Direct Sale of Public Land in Washakie County, WY

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of realty action, direct sale of public land in Washakie County.

**SUMMARY:** The following lands have been examined and identified as suitable for disposal under section 203 of the Federal Land Policy and Management Act of 1976 (90 STAT. 2750; 43 U.S.C. 1713).

#### PARCELS

Parcel	Legal Description	Acres	Appraised value
Sixth Principal Meridian Wyoming No. 1 .....	T. 47 N., R. 93 W., Tract 63D, Lot 58.	0.46	\$3000

The sale of the land parcel will resolve an unauthorized occupancy. The land is being offered at fair market value

by direct sale to Herbert W. Ainsworth who owns the adjoining Lot 34 and the improvements placed on the sale parcel described as Lot 58. No other bids or bidders will be considered.

The land is not required for any federal purpose. Disposal would best serve the public interest. The disposal will be in conformance with the Grass Creek Management Framework Plan and is in conformance with the Washakie County Commissioners' recommendation.

All minerals, except oil, gas, and coal resources, will be offered for conveyance. The mineral interests being offered have no known value. An offer to purchase the parcel will also constitute application for conveyance of those mineral interests offered under the authority of Sections 209(b) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719(b). Purchaser will be required to submit a non-returnable filing fee of \$50.00 to cover processing costs of conveying the mineral interests. Failure to do so will result in disqualification.

The patent issued as a result of the sale will be subject to all valid existing rights and reservations of record and will contain a reservation to the United States for a right-of-way for ditches and canals under the act of August 30, 1890, 26 STAT. 391; 43 U.S.C. 945 and for oil, gas, and coal resources together with the right to prospect for, mine, and remove the minerals. The patent will be issued subject to the following:

1. W-51974—Oil and Gas Lease.
2. W-022960—Buried Oil Pipeline Right-of-way.
3. Reservation for a 60 foot right-of-way on the east boundary of Lot 58 for access road and public utilities as provided by Classification Order No. 11 dated May 7, 1953.
4. Improvement requirements under the terms of sale of rural homesites on the small tracts (Wyoming Classification No. 11).

Publication of this notice in the **Federal Register** segregates the public lands from appropriation under the public land laws and mining laws. The segregative effect will end upon issuance of a patent.

#### Sale Procedures

1. The designated bidder will be required to submit payment of at least twenty percent of the fair market value by certified check, postal money order, bank draft, or cashier's check made payable to the Department of Interior, Bureau of Land Management at the Worland District Office on August 13, 1986.

2. The balance of the appraised fair market value will be due within 180 days payable in the same form at the same location. Failure to submit the remainder of the payment within 180 days of receipt of the decision notice accepting the bid deposit will result in cancellation of the sale offering and forfeiture of the deposit.

3. For a period of 45 days from the date of this notice in the **Federal Register**, interested parties may submit comments to the district Manager, Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401. Any adverse comments will be evaluated by the District Manager who may sustain, vacate or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: April 11, 1986.

Chester E. Conard,  
District Manager.

[FR Doc. 86-9227 Filed 4-23-86; 8:45 am]

BILLING CODE 4310-22-M

[N-42777]

### Realty Action—Non-Competitive Sale; Public Lands in Washoe County, NV

The following described lands comprising 5 acres have been identified as suitable for disposal through sale under section 203 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1713, at no less than fair market value:

Mt. Diablo Meridian

T. 18 N., R. 19 E.,  
Sec. 36, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

The lands are hereby segregated from appropriation under the public land laws including the mining laws, but not from sale under the above-cited statute. The segregative effect will end upon issuance of the patent or 270 days from the date of the publication of the notice in the **Federal Register**, whichever occurs first. The lands are being offered to Bell Telephone Company of Nevada through non-competitive sale to protect their equity investment in improvements on the parcel.

The sale is consistent with the Bureau's planning system and with local government plans. The lands are not needed for support of any resource programs and are not suitable for management by another federal agency.

There are no known values for locatable, saleable and leasable minerals excepting geothermal steam and related resources. In accordance



with section 209(b)(1)(l) of Pub. L. 94-579, mineral interests, excepting geothermal steam and related resources, will be conveyed simultaneously with the surface estate upon submission of a non-refundable filing fee of \$50.00.

The patent when issued will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, under the Act of August 30, 1890, 26 Stat. 391; U.S.C. 945.

2. Geothermal steam and related resources shall be reserved to the United States, together with the right to prospect for and remove those resources. This parcel is affected by geothermal lease N-12085, Yankee Petroleum and Western States Geothermal.

And will be subject to:

1. Those rights for State Route 431 which have been granted to Nevada Department of Transportation, its successors or assigns, by right-of-way CC-018097 (400').

2. Those rights for a powerline which have been granted to Sierra Pacific Power Company, its successors or assigns, by right-of-way Nev-06133 (40').

The lands will not be offered for sale for at least 60 days after the date of this notice. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Carson City District Office, Bureau of Land Management, 1535 Hot Springs Road, Suite 300, Carson City, Nevada 89701. Any adverse comments will be evaluated and this notice upheld, modified or vacated.

Dated this 16th day of April 1986.

Thomas J. Owen,  
District Manager.

Copies of this Notice are being sent to the following parties:

#### *Certified*

Mr. John B. Walker, State Office of Community Services, 1100 E. William St., Suite 109, Carson City, Nevada 89710  
Nevada Department of Transportation, Right-of-Way Department, 1263 South Stewart Street, Carson City, Nevada 89712  
Western States Geothermal Corp., 655 East 4500 South, Salt Lake City, Utah 84107  
Yankee Petroleum, P.O. Box 1566, Tulsa, Oklahoma 74101  
Washoe County Commissioners, P.O. Box 11130, Reno, Nevada 89504  
Sierra Pacific Power Company, P.O. Box 10100, Reno, Nevada 89520

#### *Non-Certified*

The Honorable Paul Laxalt, U.S. Senate, 300 Booth Street, Federal Building, Room 2016, Reno, Nevada 89509  
The Honorable Barbara Vucanovich, House of Representatives, 300 Booth Street, Federal Building, Room 1130, Reno, Nevada 89509

The Honorable Chic Hecht, U.S. Senate, 300 Booth Street, Federal Building, Room 2014, Reno, Nevada 89509  
Mr. Edward F. Spang, State Director, Nevada, Bureau of Land Management, Nevada State Office, 300 Booth Street, Reno, Nevada 89520.

A copy of this Notice of Realty Action will be published in the **Federal Register** and published weekly for 3 consecutive weeks in the Reno Gazette-Journal, Reno, Nevada, and the Nevada Appeal, Carson City, Nevada.

[FR Doc. 86-9225 Filed 4-23-86; 8:45 am]

BILLING CODE 4310-HC-M

#### **Eagle Lake Resource Area Office; Designation of Pines Dunes Research Natural Area (RNA)**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of designation of Pines Dunes Research Natural Area (RNA).

**SUMMARY:** Pursuant to the authority in 43 CFR 8223, the following lands are designated as a Research Natural Area (RNA).

Mt. Diablo Meridian; Lassen County, California.

T. 35 N., R. 16 E.,  
Sec. 25, S 1/2 S 1/2.

These lands, designated the Pine Dunes RNA, total 160 acres of BLM administered lands.

This designation is being made to provide protection for a unique isolated stand of pine trees. The area will be preserved for research and education purposes and the continued existence of the trees and their habitat.

A more detailed description of the resource values and special management attention required to protect these values are included in the Cal-Neva Management Framework Plan (MFP) for the Eagle Lake Resource Area. This area and management criteria were developed through the planning process (43 CFR 1610) which included three stages of public participation.

**DATES:** The designation of the Pine Dunes Research Natural Area (RNA) is effective upon publication of this notice.

**ADDRESSES:** For further information regarding the Management Framework Plan and the Pine Dunes RNA contact:

Mark T. Morse, Area Manager, Eagle Lake Resource Area, 2545 Riverside Drive, Susanville, CA 96130.

Dated: April 16, 1986.

Mark T. Morse,  
Area Manager.

[FR Doc. 86-9153 Filed 4-23-86; 8:45 am]

BILLING CODE 4310-40-M

#### **Colorado; Filing of Plats of Survey**

April 16, 1986.

The plat of survey of the following described land, will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado, effective 10:00 A.M., April 16, 1986.

The plat representing the corrective survey of a portion of the subdivision of section 28, R. 37 S., R. 2 E., New Mexico Principal Meridian, Colorado, Group No. 774, was accepted April 2, 1986.

This survey was executed to meet certain administrative needs of the U.S. Forest Service.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 2020 Arapahoe Street, Denver, Colorado 80205.

Marlin G. Livermore II,  
Acting Chief Cadastral Surveyor for Colorado.

[FR Doc. 86-9154 Filed 4-23-86; 8:45 am]

BILLING CODE 4310-84-M

[Nev-054560]

#### **Proposed Continuation of Withdrawal; Nevada**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Reclamation proposes that a 8,480-acre withdrawal for the Humboldt Project continue for an additional 50 years. The lands will remain closed to surface entry and mining but have been and will remain open to mineral leasing.

**DATE:** Comments should be received by July 23, 1986.

**ADDRESS:** Comments should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Nevada State Office, P.O. Box 12000, Reno, Nevada 89520.

**FOR FURTHER INFORMATION CONTACT:** Vienna Wolder, Nevada State Office, (702) 784-5481.

**SUPPLEMENTARY INFORMATION:** The Bureau of Reclamation proposes that the existing land withdrawal made by the Secretarial Order of March 16, 1934, be



continued for a period of 50 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

**Mount Diablo Meridian, Nevada**

- T. 31 N., R. 32 E.,  
Sec. 36, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ .  
T. 32 N., R. 32 E.,  
Sec. 2, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 10, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 12, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ ;  
Sec. 14, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 22, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 24, N $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ ;  
Sec. 36, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 33 N., R. 32 E.,  
Sec. 36, All.  
T. 30 N., R. 33 E.,  
Sec. 6, E $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ,  
E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 8, W $\frac{1}{2}$ ;  
Sec. 18, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 31 N., R. 33 E.,  
Sec. 6, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 8, W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 18, W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 20, W $\frac{1}{2}$ ;  
Sec. 30, W $\frac{1}{2}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 32 N., W $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ .  
T. 32 N., R. 33 E.,  
Sec. 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 6, NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 18, W $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 30, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 32, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 33 N., R. 33 E.,  
Sec. 20, S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 26, S $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 28, E $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 30, W $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 32, W $\frac{1}{2}$ ;  
Sec. 34, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

The area described contains 8,479.44 acres in Pershing County.

The purpose of the withdrawal is to protect the Humboldt Project's Rye Patch Reservoir and associated lands. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not the mineral laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branch of Lands and Minerals Operations, in the Nevada State Office.

The authorized officer of the Bureau of Land Management will undertake

such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

Dated: April 18, 1986.

Marla B. Bohl,

Acting Deputy State Director, Operations.

[FR Doc. 86-9224 Filed 4-23-86; 8:45 am]

BILLING CODE 4310-HC-M

### Minerals Management Service

#### Development Operations Coordination Document; Sonat Exploration Co.

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed development operations coordination document (DOCD).

**SUMMARY:** Notice is hereby given that Sonat Exploration Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 4064, Block 739, Mustang Island Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Harbor Island, Texas.

**DATE:** The subject DOCD was deemed submitted on April 11, 1986.

**ADDRESSES:** A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

**FOR FURTHER INFORMATION CONTACT:** Ms. Angie Gobert; Minerals Management Service, Gulf of Mexico OCS Region, Rules and Production, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 838-0876.

**SUPPLEMENTARY INFORMATION:** The purpose of this Notice is to inform the public pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals

Management Service makes information contained in DOCDs available to affected States, executives of affected States, local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: April 18, 1986.

J. Rogers Percy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86-9163 Filed 4-23-86; 8:45 am]

BILLING CODE 4310-MR-M

### Royalty Management Advisory Committee, Data Base Validation Working Panel; Meeting

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** The Minerals Management Service (MMS) Royalty Management Program, hereby gives notice that the Data Base Validation Working Panel, established by the Royalty Management Advisory Committee, will meet in Denver, Colorado, at the location and on the dates indicated below.

MMS has undertaken several projects to correct errors in the data base reference files including lease universe reconciliation, MMS and payor data base reconciliation, and distribution fund code reconciliation. The Data Base Validation Working Panel will submit recommendations to the Advisory Committee regarding improvement and/or addition to these efforts as well as methods for maintaining reference data.

**DATES:** The Data Base Validation Working Panel will meet at the Clarion Hotel, 3203 Quebec, Denver, Colorado, April 29-May 1, 1986.

The Panel will meet from 8 a.m. to 5 p.m. daily. If the meeting is completed in less than the three days scheduled, the Panel will adjourn upon such completion.

The public is invited to attend these meetings and make oral or written comments. A time will be set aside by the Panel chairperson during which the public will be invited to make oral comments. Written comments should be submitted by May 15, 1986, to the address listed below.

**FOR FURTHER INFORMATION CONTACT:** Vernon B. Ingraham, Minerals Management Service, Royalty Management Program, Office of External Affairs, Denver Federal Center, Building 85, P.O. Box 25165, Mail Stop



660, Denver, Colorado 80225, telephone number (303) 231-3360, (FTS) 326-3360.

**SUPPLEMENTARY INFORMATION:** The Data Base Validation Working Panel is one of six working panels established by the Royalty Management Advisory Committee. The panels are composed of both Advisory Committee members and non-Committee members, and were established to provide the Advisory Committee with analyses of specific issues and proposed recommendations. Panel recommendations will be reviewed by the Advisory Committee, which will then decide what advice and recommendations to give to the Department of the Interior (DOI) and Minerals Management Service (MMS).

Although the panels may meet with DOI or MMS staff members to obtain information they require in conducting their analyses, advice and recommendations of the panels will be made to the Advisory Committee and not to the DOI or MMS.

Dated: April 18, 1986.

Wm. D. Bettenberg,

Director, Minerals Management Service.

[FR Doc. 86-9146 Filed 4-23-86; 8:45 am]

BILLING CODE 4310-MR-M

## Office of Surface Mining Reclamation and Enforcement

### Availability of Annual Evaluation Reports on the Administration of State Regulatory and Abandoned Mine Lands Programs

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

**ACTION:** Notice of availability

**SUMMARY:** OSMRE is announcing the availability of three annual evaluation reports on the administration of State regulatory and abandoned mine lands (AML) programs under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The three reports, covering the States of Colorado, New Mexico and Texas were prepared under the provisions of OSMRE's oversight policy and have been transmitted to Congress.

**ADDRESS:** See "SUPPLEMENTARY INFORMATION" for the addresses where copies of the reports may be obtained.

**FOR FURTHER INFORMATION CONTACT:** Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240; Telephone: (202) 343-5351.

**SUPPLEMENTARY INFORMATION:** Copies of the reports are available, free of charge, at the respective OSMRE offices listed below:

*Colorado and New Mexico:* Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 219 Central Avenue, NW., Albuquerque, New Mexico 87102.

*Texas:* Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 333 West 4th Street, Room 3432, Tulsa, Oklahoma 74103.

### Background

Under section 503 of SMCRA, a State may elect to assume primary responsibility for regulating surface coal mining and reclamation operations within its borders by submitting a program to the Secretary of the Interior which demonstrates the State's capability to carry out the provisions of SMCRA. Once the Secretary approves the program, the State is granted primacy, and the Federal government assumes a monitoring and evaluation role. Monitoring of the State's administration and enforcement of its regulatory and AML programs is conducted throughout the year. The Field Office Directors compile and analyze the data gathered during the evaluation period and prepare annual evaluation reports for transmittal to Congress.

Evaluation reports for (Illinois, Kentucky, Maryland, Mississippi, Montana and North Dakota) were completed and sent to Congress on November 5, 1985, and were made publicly available on November 14, 1985 (50 FR 47122). Evaluation reports for Alabama, Alaska, Ohio, and Wyoming were completed and sent to Congress on November 25, 1985, and were made publicly available on November 29, 1985 (50 FR 49138). Evaluation reports for Indiana, Iowa, Kansas, Louisiana, Missouri and Oklahoma were completed and sent to Congress on December 10, 1985, and were made publicly available on December 18, 1985 (50 FR 52612). Evaluation reports for Arkansas, Pennsylvania and Virginia were completed and sent to Congress on January 7, 1986, and were made publicly available on January 14, 1986 (51 FR 1566). Two additional evaluation reports for Utah and West Virginia were completed and sent to Congress on January 28, 1986, and were made publicly available on February 4, 1986 (51 FR 4440). Three evaluation reports for Colorado, New Mexico and Texas were completed and sent to Congress on April 16, 1986, and are now publicly available. These three reports complete the annual oversight reports for 1985.

Dated: April 18, 1986.

Len Richeson,

Acting Assistant Director, Program Operations Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 86-9144 Filed 4-23-86; 8:45 am]

BILLING CODE 4310-05-M

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-300 (Final)]

### Import Investigation of Dynamic Random Access Semiconductors (DRAM'S) of 256 Kilobits and Above From Japan

**AGENCY:** International Trade Commission.

**ACTION:** Revised schedule for the subject investigation.

**EFFECTIVE DATE:** April 18, 1986.

**FOR FURTHER INFORMATION CONTACT:** Ilene Hersher (202-523-4616), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal on 202-724-0002.

**SUPPLEMENTARY INFORMATION:** On March 14, 1986, the Commission instituted the subject investigation and established a schedule for its conduct (51 FR 11357, Apr. 2, 1986). Subsequently, the Department of Commerce extended the date for its final determination in the investigation from May 27, 1986, to August 1, 1986. The Commission therefore is revising its schedule in the investigation to conform with Commerce's new schedule.

The Commission's new schedule for the investigation is as follows: Requests to appear at the hearing must be filed with the Secretary to the Commission not later than July 25, 1986; the prehearing conference will be held in room 117 of the U.S. International Trade Commission Building on July 29, 1986; the deadline for filing prehearing briefs is August 4, 1986; the hearing will be held in room 331 of the U.S. International Trade Commission Building on August 7, 1986; and the deadline for filing all other written submissions, including posthearing briefs, is August 18, 1986.

For further information concerning this investigation see the Commission's notice of investigation cited above and the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).



**Authority**

This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to section 207.20 of the Commission's rules (19 CFR 207.20).

Issued: April 21, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-9115 Filed 4-23-86; 8:45 am]

BILLING CODE 7020-02-M

## INTERSTATE COMMERCE COMMISSION

[No. MC-C-10963]

### Motor Carriers; Armstrong World Industries, Inc.; Petition for Declaratory Order

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of final decision.

**SUMMARY:** By notice published at 50 FR 28296, July 11, 1985, we instituted this proceeding to determine whether certain motor carrier movements between points in Texas are interstate or intrastate in nature. The Commission has concluded that the transportation of carpet by Reeves Transportation Company of Georgia from Arlington, TX, to other Texas points, after a prior movement from Dalton, GA, is part of a continuous interstate movement, lawfully performed by Reeves under a storage-in-transit provision in an appropriate tariff.

**FOR FURTHER INFORMATION CONTACT:**

Paul W. Schach (202) 275-7885 or  
Howell I. Sporn (202) 275-7691.

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. Infosystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll-free (800) 424-5403.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

**Decided:** April 3, 1986.

**Authority:** 5 U.S.C. 554.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

James H. Bayne,

Secretary.

[FR Doc. 86-9145 Filed 4-23-86; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF JUSTICE

### Lodging of Consent Decree Pursuant to the Clean Air Act; A.J. MacKay Co., et al.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on April 15, 1986 a proposed Consent Decree in *United States v. A.J. MacKay Company, et al.*, Civil Action No. 85-C-1193G was lodged with the United States District Court for the District of Utah. The proposed Consent Decree concerns violations of the National Emission Standard for Hazardous Air Pollutants ("NESHAPs") for asbestos. 40 CFR Part 61. The proposed Consent Decree requires defendants A.J. MacKay Company and Little America Hotels Corporation to comply with the provisions of the asbestos NESHAP and to pay a civil penalty of \$20,000.00.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. A.J. MacKay Company, et al.* D.J. Ref. 90-5-2-1-784.

The proposed Consent Decree may be examined at the office of the United States Attorney for the District of Utah, Room 466, U.S. Post Office and Courthouse, 350 South Main Street, Salt Lake City, Utah 84101 and at the Region VIII, Office of the Environmental Protection Agency, 999 Eighteenth Street, Suite 2600, Denver, Colorado 80202-2413. Copies of the Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 86-9162 Filed 4-23-86; 8:45 am]

BILLING CODE 4410-01-M

### Lodging of Consent Decree, Pursuant to Clean Air Act; Michigan South Central Power Agency

In accordance with Department of Justice policy, 28 CFR 50.7, notice is

hereby given that on April 2, 1986, a proposed consent decree in *United States v. Michigan South Central Power Agency* (W.D. Mich.) was lodged with the United States District Court for the Western District of Michigan. Under the terms of the proposed consent decree, the defendant pays a civil penalty of \$7,500 and must comply with the Clean Air Act.

The Department of Justice will receive comments for a period of thirty (30) days from the date of this publication relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Michigan South Central Power Agency*, D.J. Ref. #90-5-2-1-752.

The proposed consent decree may be examined at the Office of the United States Attorney, 399 Federal Building, Grand Rapids, Michigan, 49503; at the Region V Office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois, 60604; and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue NW., Washington, DC, 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy of the proposed consent decree, refer to the case, proposed consent decree and D.J. Reference number.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 86-9167 Filed 4-23-86; 8:45 am]

BILLING CODE 4410-01-M

## Drug Enforcement Administration

### Donald L. Plotnick, D.P.M.; Revocation of Registration

On February 13, 1986, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), directed an Order to Show Cause to Donald L. Plotnick, d/b/a Columbus Foot Clinic, 3354 E. Broad Street, Columbus, Ohio 43213. The order sought to revoke the DEA Certificate of Registration AP2840684 previously issued to Donald L. Plotnick. The statutory predicate for the Order to Show Cause was the revocation of Donald L. Plotnick's license to practice podiatric medicine in



the State of Ohio by the Ohio Medical Board. This action by the Ohio Board of Medicine terminated Donald L. Plotnick's authority to possess, dispense, prescribe, administer or otherwise handle controlled substances in the State of Ohio.

A registered mail receipt indicates that the Order to Show Cause was received at the Columbus Foot Clinic on February 26, 1986. There was no response to the Order to Show Cause within the allotted 30 days period. Therefore, the Administrator finds that Donald L. Plotnick waived his opportunity for a hearing on the issues raised by the Order to Show Cause and enters this final order on the record as it appears. 21 CFR 1301.54(d) and 1301.54(e).

The Administrator finds that the Ohio State Medical Board revoked the license to practice podiatric medicine of Donald L. Plotnick on November 17, 1982. After several appeals were heard by various Ohio appellate courts, the revocation of Dr. Plotnick's podiatric license was upheld, with the Supreme Court of the State of Ohio refusing to hear the case. The action by the Ohio Medical Board was based upon Donald Plotnick's conviction, in the Court of Common Pleas, Franklin County, Ohio, of aggravated arson and extortion on April 29, 1982.

Following the exhaustion of Dr. Plotnick's appeals, he was requested by investigators of the Drug Enforcement Administration to surrender his DEA Certificate of Registration since he was no longer authorized to handle controlled substances by the State of Ohio. Dr. Plotnick refused to surrender his DEA registration. The Order to Show Cause followed.

The Administrator finds that Donald L. Plotnick is not authorized to handle controlled substances in the State of Ohio. The Administrator had consistently held that when a DEA registrant is not authorized to handle controlled substances under the laws of the state in which he practices, DEA is without lawful authority to maintain a registration. See *Avner Kauffman, M.D.*, Docket No. 85-8, 50 FR 34208 (1985), *Kenneth K. Birchard, M.D.*, 48 FR 33778 (1983), and *Thomas E. Woodson, D.O.*, Docket No. 81-4, 47 FR 1353 (1982).

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration AP2340684, issued to Donald L. Plotnick, be and is hereby revoked effective May 27, 1986. Any outstanding applications for

registration submitted by Donald L. Plotnick are hereby denied.

Dated: April 18, 1986.

John C. Lawn,  
Administrator.

[FR Doc. 86-9191 Filed 4-23-86; 8:45 am]

BILLING CODE 4410-09-M

#### [Docket No. 85-12]

#### Walker L. Whaley, M.D.; Revocation of Registration

On January 15, 1985, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued to Walker L. Whaley, M.D. (Respondent), of 820 Prudential Drive, Suite 306, Jacksonville, Florida 32207, an Order to Show Cause proposing to revoke DEA Certificate of Registration, AW6639681, issued to Respondent as a practitioner under 21 U.S.C. 823(f). The statutory predicate for the proposed action was that on July 10, 1984, in the United States District Court for the Middle District of Florida, Respondent was convicted of willfully and knowingly conspiring to manufacture cocaine, a Schedule II controlled substance, a felony offense under the Controlled Substances Act, 21 U.S.C. 841(a)(1) and 846. Respondent's counsel requested a hearing on the issues raised by the Order to Show Cause.

Following the prehearing procedures, the hearing in this matter was held in Washington, DC on November 26, 1985. Administrative Law Judge Francis L. Young presided. On February 19, 1986, Judge Young issued his opinion, recommended ruling, findings of fact, conclusions of law and decision. No exceptions to the Administrative Law Judge's opinion and proposed decision were filed by either party. On March 18, 1986, Judge Young transmitted the record of these proceedings to the Administrator. The Administrator has considered this record in its entirety and pursuant to 21 CFR 1316.67 hereby issues his final order in this matter, based upon findings of fact and conclusions of law as hereinafter set forth.

The Administrative Law Judge found that Respondent is a practicing physician in Jacksonville, Florida, specializing in the areas of obstetrics and gynecology. In 1982, through an undercover "storefront" operation, DEA determined that certain chemicals necessary for the manufacture of cocaine were being sold to Jonathan Whaley, brother of Dr. Walker L. Whaley, and also to an individual named "David Brown" at the same

address as Jonathan Whaley. An investigation revealed that "David Brown" was actually Jonathan Whaley. Diane Brown, Jonathan Whaley's girlfriend, was also found to be involved in the conspiracy.

Surveillance by DEA and local Jacksonville authorities revealed that Jonathan Whaley, utilizing the above-mentioned chemicals purchased from the undercover "storefront," was in the process of making synthetic cocaine in a makeshift laboratory in the basement of Respondent's home in Jacksonville. Both Jonathan Whaley and Diane Brown were observed on numerous occasions in the laboratory, by either DEA agents or local authorities, and appeared to be performing activities necessary to manufacture synthetic cocaine. Respondent and his brother, Jonathan, were observed working together in the laboratory on several occasions. Ongoing contact with a DEA chemist in Miami confirmed that the activities indicated from the observations were steps used in the manufacture of cocaine. On one occasion, Diane Brown was seen going through the various motions indicating that she was snorting cocaine. Later discovered evidence revealed that Respondent had also personally obtained some of the chemicals to be used in the manufacture of cocaine.

A few days after the above observations were made, DEA Agents conducted a search of Respondent's basement laboratory, pursuant to an authorized search warrant. During the search, Jonathan Whaley was found in the laboratory. In addition, Agents also found laboratory equipment, textbooks, notebooks, articles from *High Times* magazine, and copies of various formulas used for the manufacture of synthetic cocaine. All of the chemicals necessary for two or three different routes of such manufacturing process for cocaine were also found in the basement during the search. Agents also found small vials containing cocaine residue in a dresser or nightstand in the bedroom where Respondent and another man were observed to be snorting cocaine during the earlier surveillance. Respondent was not present during the search, as he was attending a horse show in Atlanta, Georgia at that time.

Following the search of Respondent's home, a DEA Agent and local police officer went to the apartment shared by Jonathan Whaley and Diane Brown. At the apartment, Agents discovered more chemicals, glassware and formulas used in the manufacture of cocaine. Cocaine was subsequently found in several places within the apartment, including



kitchen cabinets and the refrigerator. Cocaine residue was also found on many implements in the apartment.

Respondent, Jonathan Whaley and Diane Brown were each indicted on May 12, 1983 by a Federal grand jury. Three counts of a thirteen count indictment pertained to Respondent. Respondent's trial commenced on January 30, 1984. He was acquitted of two counts and a mistrial was declared as to the third count involving conspiracy, since the jury was unable to reach a verdict. Respondent was retried on the conspiracy count and on July 10, 1984, in the United States District Court for the Middle District of Florida, he was convicted of willfully and knowingly conspiring to manufacture cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. 841(a)(1) and 846. Respondent appealed his conviction to the United States Court of Appeals for the Eleventh Circuit. On January 10, 1986, the Court of Appeals issued its opinion affirming the District Court decision.

The Administrative Law Judge also found that Respondent is held in the highest regard both as a practitioner in the medical community and as an individual in his community at large. He has earned a reputation for excellence in the procedure of tubal microsurgery for the restoration of fertility. Dozens of letters from colleagues, patients, community leaders and friends attest to his medical ability, as well as his personal, human qualities as a physician. The authors of many of the above testimonials asked the trial judge not to deprive the community of Respondent's services as a physician by sentencing him to a period of incarceration. Respondent's practice involves extensive surgery and other procedures for which the administration of controlled substances pursuant to an appropriate DEA registration is a necessity. He will be virtually prevented from performing surgery if he is unable to dispense or prescribe controlled substances. The Administrative Law Judge also noted that there are few physicians in Northern Florida who possess Respondent's skill and expertise, particularly with respect to microsurgery. In addition, there is no evidence that Respondent misused or abused controlled substances in connection with his medical practice, nor is there any evidence that Respondent was involved in commercial trafficking of illicit substances.

The Administrative Law Judge found that the evidence against Respondent was clear in this case. Respondent helped his brother in his attempt to

manufacture cocaine. Respondent provided the secluded location (his home), for setting up a laboratory, personally obtained some of the chemicals to be used for the manufacture of cocaine, and, in addition, was observed playing an active role in furthering the manufacturing process.

Based upon the activity described above, Respondent was convicted of conspiracy to violate 21 U.S.C. 841(a)(1) and 846. This conviction was upheld on appeal. The Administrative Law Judge found that the evidence reveals a man who, in spite of all of his skills and talents as a physician, was quite willing to participate actively in the production of cocaine for illegitimate purposes. The intended product of Respondent's activity was an extremely dangerous substance. Had it been sold or distributed, the cocaine would have had an enormous potential for injury to the public health of Respondent's community.

The Administrative Law Judge also observed that Respondent has shown a serious lack of awareness of the probable results of his actions. He demonstrated a callous disregard for the extensive damage cocaine has caused to our society. At the administrative hearing, Respondent confined his testimony only to the effect the loss of his DEA registration would have on his practice. He gave no indication whatsoever of an awareness of the danger his actions posed for the public health. Also, he did not give the slightest assurance of rectifying his conduct in the future. In fact, Respondent simply pointed out that his offense had no direct connection with his practice and handling of controlled substances on a professional level. The Administrative Law Judge concluded that one cannot have any reasonable degree of confidence that Respondent can be trusted, as a physician, with the responsibility of a DEA Certificate of Registration for controlled substances.

The Administrative Law Judge noted that this agency has consistently held that a felony conviction relating to controlled substances, even though unrelated to a registrant's professional practice, can warrant loss or denial of registration. See *Coleman Preston McCown, D.D.S.*, Docket No. 82-28, 49 FR 45818 (1984) (illegal distribution of cocaine); *Tilman J. Bentley, D.O.*, Docket No. 82-22, 49 FR 35049 (1984) (conspiracy to manufacture methaqualone); *Raymond H. Wood, D.D.S.*, Docket No. 82-32, 48 FR 48727 (1983) (conspiracy to import marijuana); and *Aaron Moss, D.D.S.*, Docket No. 80-

2, 45 FR 72850 (1980) (smuggling cocaine into the United States).

The Administrative Law Judge concluded that there is a lawful basis for revoking Respondent's registration and recommended that the registration be revoked.

The Administrator has examined the entire record in this matter, and hereby adopts the recommended findings and conclusions of law of the Administrative Law Judge, in their entirety. Thus, having concluded that there is a lawful basis for revocation of Respondent's registration; and having further concluded that, under the facts and circumstances presented in this case, the registration should be revoked, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration AW6639681 issued to Walker L. Whaley, M.D., be and is hereby revoked.

This order is effective May 27, 1986.

Dated: April 18, 1986.

John C. Lawn,

Administrator.

[FR Doc. 86-9192 Filed 4-23-86; 8:45 am]

BILLING CODE 4410-09-M

## DEPARTMENT OF LABOR

### Task Force on Economic Adjustment and Worker Dislocation; Meeting

Notice is hereby given that the Task Force on Economic Adjustment and Worker Dislocation will hold its third meeting at 10:00 a.m. on Wednesday, May 7, 1986, in Room C-5515—Seminar Room 6, 200 Constitution Avenue NW., Washington, DC 20210. The public is invited to attend.

The purpose of the meeting is to discuss and ratify subcommittee progress. A presentation will be made by the subcommittee studying the Nature and Magnitude of the Problem.

For further information contact: Mr. Gerald Holmes, U.S. Department of Labor, Room S-5014, Washington, D.C. 20210 (202) 523-7571.

Signed at Washington, DC., this Thursday of April 17, 1986.

Michael E. Baroody,

Assistant Secretary for Policy.

[FR Doc. 86-9243 Filed 4-23-86; 8:45 am]

BILLING CODE 4510-23-M



# NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NOTICE 86-31]

## NASA Advisory Council (NAC), Life Sciences Advisory Committee Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Life Sciences Advisory Committee (LSAC).

**DATE:** May 15, 1986, 9 a.m. to 5:30 p.m.; and May 16, 1986, 8:30 a.m. to 4:30 p.m..

**ADDRESS:** National Aeronautics and Space Administration, FB 10-6, Room 226, -A, 600 Independence Avenue SW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Dr. Ronald J. White, Code EB, National Aeronautics and Space Administration, Washington, DC 20546 (202/453-1530).

**SUPPLEMENTARY INFORMATION:** The Life Sciences advisory Committee provides advice and coordination of NASA Life Sciences research programs. They assist in long-range planning for Spacelab, Space Station, and Space Transportation System experiments, as well as ground-based biomedical research. The Committee, chaired by Dr. Robert E. Moser, is comprised of approximately 25 members.

This meeting will be closed to the public from 3:30 p.m. to 4:30 p.m. on May 16 for a discussion of candidates being considered for Committee membership. During this session, the qualifications of proposed new members will be candidly discussed and appraised. Since this session will be concerned throughout with matters listed in 5 U.S.C. 552(c)(6), it has been determined that this session should be closed to the public. The remainder of the meeting will be open to the public up to the seating capacity of the room (approximately 40 persons including committee members and other participants).

### Type of Meeting

Open—except for a closed session as noted in the agenda below.

May 15, 1986

9 a.m., Opening Remarks and Approval of Minutes from Last Meeting.

9:45 a.m., Office of Space Science and Applications Status and Planning Process.

11:15 a.m., Considerations in Immunology/Neuroendocrinology.

1:15 p.m., Flight Program-Projected Activities.

2:15 p.m., Discussions of "White Papers" and Near-Term Strategies.

5:30 p.m., Adjourn.

May 16, 1986

8:30 a.m., Status of the National academy of Sciences' Space Biology and Medicine Report.

1:30 p.m., Reports from the Planning Subcommittee.

3:30 p.m., Discussion of New Members (Closed session).

4:30 p.m., Adjourn.

Dated: April 17, 1986.

Richard L. Daniels,

*Advisory Committee Management Officer,  
National Aeronautics and Space  
Administration.*

[FR Doc. 86-9114 Filed 4-23-86; 8:45 am]

BILLING CODE 7510-01-M

[Notice 85-30]

## NASA Advisory Council (NAC), Space and Earth Science Advisory Committee (SESAC); Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space and Earth Science Advisory Committee, Space Station Task Force.

**DATE:** May 13-14, 1986, 8:30 a.m. to 5 p.m. and May 15, 1986, 8:30 a.m. to 3 p.m..

**ADDRESS:** National Aeronautics and Space Administration, Goddard Space Flight Center, Building 26, Room 205, Greenbelt, MD 20771.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard S. Sade, Code E, NASA Headquarters, Washington, DC 20546 (202/453-1430).

**SUPPLEMENTARY INFORMATION:** The Space Station Task Force was established under the NAC Space and Earth Science Advisory Committee to counsel NASA on plans for and work in progress on the scientific utilization of the new capabilities which will be afforded by the Space Station, including the relationship of these plans to the existing space science program. This advice includes periodic updates of scientific requirements on Space Station hardware and operations and interaction with NASA during the definition phase of the Space Station program.

This meeting will be open to the public up to the seating capacity of the room (approximately 50 persons, including Committee members and other invited participants). Topics under discussion at this meeting will include Space Station program status, platform design and utilization, and science operations.

### Type of Meeting

Open.

### Agenda

May 13, 1986

8:30 a.m.—SESAC Space Station Task Force Update.

9:15 a.m.—Status of Space Station Program.

1 p.m.—Update on Goddard Space Flight Center User Working Group.

1:45 p.m.—Science and Applications Information System.

2:30 p.m.—University Consortium.

3:15 p.m.—Human Productivity Issues.

4 p.m.—Science Operations Scenarios.

5 p.m.—Adjourn.

May 14, 1986

8:30 a.m.—Science Planning and Science Management in Preparation for Space Station.

9:30 a.m.—Recommendation for International Science User Group.

10 a.m.—Team Meetings.

1 p.m.—Team Meetings.

3:30 p.m.—Plenary Session.

5 p.m.—Adjourn.

May 15, 1986

8:30 a.m.—Platform Design Concept.

10 a.m.—Plans of Platform Users.

1 p.m.—Plenary Session.

3 p.m.—Adjourn.

Dated: April 17, 1986.

Richard L. Daniels,

*Advisory Committee Management Officer,  
National Aeronautics and Space  
Administration.*

[FR Doc. 86-9113 Filed 4-23-86; 8:45 am]

BILLING CODE 7510-01-M

## NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

### Agency Information Collection Activities Under OMB Review

**AGENCY:** National Endowment for the Humanities.

**ACTION:** Notice.

**SUMMARY:** The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).



**DATE:** Comments on this information collection must be submitted on or before May 27, 1986.

**ADDRESSES:** Send comments to Ms. Ingrid Foreman, Management Assistant, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 (202-786-0233) or Ms. Judy McIntosh, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3208, Washington, DC 20503 (202-395-6880).

**FOR FURTHER INFORMATION CONTACT:**

Ms. Ingrid Foreman, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 (202-786-0233) from whom copies of forms and supporting documents are available.

**SUPPLEMENTARY INFORMATION:** All of the entries are grouped into new forms, revisions, or extensions. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what form will be used for; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to fill out the form. None of these entries are subject to 44 U.S.C. 3504(h).

**Category: Revisions**

Title: Applications and Instruction Forms for the Projects Category.

Form Number: Not applicable.

Frequency of Collection: Annual.

Respondents: Humanities researchers and institutions.

Use: Application for funding.

Estimated Number of Respondents: 262.

Estimated Hours for Respondents to Provide Information: 52 per respondent.

Susan Metts,

Director of Administration.

[FR Doc. 86-9178 Filed 4-23-86; 8:45 am]

BILLING CODE 7536-01-M

**NATIONAL SCIENCE FOUNDATION**

**Advisory Panel for Cellular Physiology; Closed Meeting**

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting.

Name: Advisory Panel for Cellular Physiology.

Date and time: Monday, Tuesday and Wednesday May 12, 13, and 14, 1986, from 9:00 a.m. until 5:00 p.m.

Place: Room 1242, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of meeting: Closed.

Contact person: Maryanna P. Henkart, Program Director, Cellular Physiology, Room 332, Telephone: 202/357-7377.

Purpose of Advisory panel: To provide advice and recommendations concerning support for research in Cellular Physiology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979, M.R. Winkler

Committee Management Officer.

April 21, 1986.

[FR Doc. 86-9216 Filed 4-23-86; 8:45 am]

BILLING CODE 7555-01-M

**Advisory Panel for Memory and Cognitive Processes; Meeting**

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Memory and Cognitive Processes.

Date and time: May 14, 15, 16, 1986; (9:00 a.m.-5:00 p.m.)

Place: National Science Foundation, 1800 G Street, NW., Room 1242B, Washington, DC 20550.

Type of meeting: Part Open 5/15-9:00 a.m. to 12:00 p.m.; Closed 5/15-1:00 p.m. to 5:00 p.m.; Closed 5/14 & 5/16-9:00 a.m. to 5:00 p.m.

Contact person: Dr. Joseph L. Young, Program Director, Memory and Cognitive Processes Program, Room 320, National Science Foundation, Washington, D.C. 20550, (202)357-9898.

Summary of minutes: May be obtained from the Contact Person at the above stated address.

Purpose of meeting: To provide advice and recommendations concerning support for research in memory and cognitive processes.

Agenda: Open—General discussion of the current status and future plans of the Memory and Cognitive Processes Program. Closed—To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

April 21, 1986.

[FR Doc. 86-9217 Filed 4-23-86; 8:45 am]

BILLING CODE 7555-01-M

**Advisory Panel for Sociology; Closed Meeting**

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Sociology.

Date and time: May 12-13, 1986; Monday, 9:00 am to 5:00 pm; Tuesday, 9:00 am to 5:00 pm.

Place: National Science Foundation, 1800 G Street, NW., Washington, DC, Room 523.

Type of meeting: Closed.

Contact person: Mark Abrahamson, Program Director for Sociology or Stanley Presser, Associate Program Director for Sociology, Room 316, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 357-7802.

Purpose of advisory panel: To provide advice and recommendation concerning support for research in the Sociology Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature,



including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

April 21, 1986.

[FR Doc. 86-9218 Filed 4-23-86; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

[Docket No. 030-03925]

### Finding of No Significant Impact; Amendment of Byproduct Material License No. 08-01393-02; U.S. Department of the Navy, Naval Research Laboratory, Washington, DC

The U.S. Nuclear Regulatory Commission (the Commission) is considering an amendment to Byproduct Material License No. 08-01393-02, issued to the Department of the Navy, to permit a hydrogen-3 transport and dispersion study over water. This study involves the release of a small quantity of hydrogen-3 gas directly to the environment and the collection of air samples downwind from the release. The study will be conducted at the Naval Research Laboratory's Chesapeake Bay Division site located on the western shore of the Chesapeake Bay, near Chesapeake Beach, Maryland.

The Commission's Division of Fuel Cycle and Material Safety has prepared an Environmental Assessment related to the amendment of Byproduct Material License No. 08-01393-02. On the basis of this assessment, the commission has concluded that the environmental impact created by the proposed licensing action would not be significant and does not warrant the preparation of an Environmental Impact Statement. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate. The Environmental Assessment is available for public inspection and copying at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC. Copies of the Environmental

Assessment may be obtained by writing to the Material Licensing Branch, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Dated at Silver Spring, Maryland, this 18th day of April 1986.

For the U.S. Nuclear Regulatory Commission.

Vandy L. Miller,

Chief, Material Licensing Branch, Division of Fuel Cycle and Material Safety, NMSS.

[FR Doc. 86-9213 Filed 4-23-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-397]

### Washington Public Power Supply System; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR Part 50, Appendix J, Section III.D.3 to the Washington Public Power Supply System (WPPSS of the licensee), holder of Facility Operating License No. NPF-21 which authorizes operation of the WPPSS Nuclear Project No. 2 (WNP-2 of the facility). The facility is a boiling water reactor and is located in Benton County, Washington.

#### Environmental Assessment

##### Identification of Proposed Action

The exemption from 10 CFR Part 50, Appendix J, Section III.D.3 would allow the licensee to perform Type C testing of containment isolation valves at refueling outages or other convenient intervals but in no case at intervals greater than two years. Currently the regulations require the Type C tests to be performed during each reactor shutdown for refueling, provided the intervals are not greater than 2 years.

##### The Need for the Proposed Action

The exemption is needed to avoid the requirement for testing each Type C containment isolation valve during each refueling outage. The Supply System is required by weather conditions and the abundance of hydroelectric power in the Pacific Northwest to refuel on an annual basis each spring. Thus, Section III.D.3 would require Type C testing on an annual basis. The exemption would permit affected valves to be tested at intervals other than each refueling provided that the testing intervals not exceed two years.

##### Environmental Aspects of the Proposed Action

There are no environmental impacts of the proposed action. The proposed

exemption involves a change in the installation or use of the facility's components located within the restricted areas as defined in 10 CFR Part 20. The NRC staff has determined that the proposed exemption involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite and that there is not significant increase in individual or cumulative occupational radiation exposure. In reality, it is expected that granting the exemption will result in a reduction in cumulative occupational exposure.

With regard to potential non-radiological impacts, the proposed exemption involves systems located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and, by allowing better management of hydroelectric resources, may have a positive environmental impact. Therefore, the Commission concludes there are no significant adverse non-radiological environmental impacts associated with the proposed exemption.

##### Alternative to the Proposed Action

We have concluded there is no measurable adverse environmental impact associated with the proposed exemption. The principal alternative would be to deny the requested exemption. This alternative would not reduce the environmental impact of plant operation.

##### Alternative Use of Resources

This action does not involve the use of resources not previously considered in connection with the "Final Environmental Statement Related to the Operation of WPPSS Nuclear Project No. 2" dated December 1981.

##### Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or person.

##### Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based on the foregoing environmental assessment, we conclude the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for exemption dated January 31, 1986, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC.,



and at the Richland Public Library, Swift and Northgate, Richland, Washington 99352.

Dated at Bethesda, Maryland, this 18th day of April, 1986.

For the Nuclear Regulatory Commission.  
**Elinor G. Adensam,**  
*Director, BWR Project Directorate No. 3,  
 Division of BWR Licensing, Office of Nuclear  
 Reactor Regulation.*  
 [FR Doc. 86-9214 Filed 4-23-86; 8:45 am]  
 BILLING CODE 7590-01-M

## OFFICE OF SCIENCE AND TECHNOLOGY POLICY

### Committee on International Science, Engineering, and Technology; Notice of Establishment

**AGENCY:** Executive Office of the President, Office of Science and Technology Policy.

**ACTION:** Establishment of the Committee on International Science, Engineering, and Technology.

**SUMMARY:** This Federal Register Notice announces the establishment of the Committee on International Science, Engineering, and Technology of the Federal Coordinating Council for Science, Engineering, and Technology.

**FOR FURTHER INFORMATION CONTACT:** Deborah L. Wince, Assistant Director, Office of Science and Technology Policy, Executive Office of the President, New Executive Office Building, Washington, D.C. 20506.

**Jerry D. Jennings,**

*Executive Director, Office of Science and Technology Policy.*

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#### I. Description and Ciset

The science and technology policies of the federal departments and agencies have increasing significance to United States economic and research competitiveness and foreign policy and national security interests. A single organizational focus for the identification, coordination and evaluation of these policies, however, has been lacking. The Federal Coordinating Council for Science, Engineering, and Technology (FCCSET) appeared to be the suitable organizational location and structure under which to place these functions. The FCCSET is a senior level, statutory, interagency coordinating mechanism managed by the Office of Science and Technology Policy, Executive Office of

the President with a mission to coordinate federal science activities among federal agencies. Committees are established under FCCSET to address particular science concerns.

Accordingly, a FCCSET Committee on International Science, Engineering, and Technology (Ciset) was formally established. This Notice briefly describes Ciset and includes copies of its charter, and the Terms of Reference of its Working Groups.

Ciset is chartered to serve as coordinator, clearinghouse and technical evaluator of federal scientific research programs in the international arena to further the domestic research effort, promote foreign policy goals, and protect national security interests. In this regard, Ciset will act to strengthen and complement the science and technology activities of the agencies.

Specifically, Ciset will:

- (a) Coordinate research planning and implementation of international scientific activities among agencies and provide technical oversight and evaluation of major programs;
- (b) Advise on the formulation of broad national priorities and policies for international scientific cooperation in both the bilateral and multilateral fora;
- (c) Identify emerging scientific issues with international implications and recommend policy options to formulate national strategies;
- (d) Identify opportunities for new international scientific initiatives in order to strengthen domestic R&D efforts, complement U.S. foreign policy, and enhance national security.

Ciset is chaired by the Associate Director of OSTP. There is an Executive Committee made up of the chairman and representatives from the Department of State and the National Science Foundation. It will prepare a long-term agenda, recommend committee working groups to address policy issues and problem areas, advise Ciset on significant policy implications of federal science and technology programs, and review completed Ciset committee reports and policy recommendations.

Other members of Ciset are sub-Cabinet officers or senior agency officials responsible for scientific and technological research programs and international policy issues.

Initial members include:

- The Department of Agriculture  
Under Secretary for International  
Affairs and Commodity Programs  
Assistant Secretary for Science and  
Education
- The Department of Commerce  
Administrator, NOAA  
Director, National Bureau of

#### Standards

- Deputy Under Secretary for  
International Trade and  
Administration
  - Assistant Secretary for Productivity,  
Technology and Innovation
  - The Department of Defense  
Deputy Under Secretary of  
International Programs and  
Technology
  - Deputy Secretary for Research and  
Advanced Technology
  - The Department of Energy  
Director, Energy Research  
Assistant Secretary for International  
Affairs
  - The Department of Health and Human  
Services  
Director, National Institutes of Health  
Assistant Secretary for Health
  - The Department of Housing and Urban  
Development  
Assistant Secretary for Policy  
Development & Research
  - The Department of Labor  
Deputy Under Secretary for  
International Affairs
  - The Department of State  
Assistant Secretary, OES
  - The Department of Transportation  
Assistant Secretary for Policy and  
International Affairs
  - Agency for International Development  
Associate Administrator for Science  
and Technology
  - Central Intelligence Agency  
Director, Office of Scientific and  
Weapons Research
  - National Intelligence Office for  
Science and Technology
  - Environmental Protection Agency  
Deputy Administrator
  - National Aeronautics and Space  
Administration  
Deputy Administrator
  - National Science Foundation  
Deputy Director
  - United States Information Agency  
Associate Director for Programs
  - Executive Office of the President  
National Security Council  
Deputy Director for International  
Economic Affairs
  - Office of Management and Budget  
Deputy Associate Director for Special  
Studies Division
  - Office of Science and Technology Policy  
Associate Director
- Ciset or its subcommittees may conduct special studies and analyses with members or nonmembers who hold special expertise. Committee members will provide such staff and other assistance as is necessary for the conduct of Ciset activities. The Executive Secretary of Ciset is an Assistant Director, Office of Science and Technology Policy.



Four subcommittees, working groups, have been established. They are their respective chairmen are as follows:

International Science, Engineering, and Technology Education

Infrastructure and Facilities

Chair: National Science Foundation  
Science, Engineering, Technology and International

Competitiveness

Chair: Department of Commerce  
Bilateral and Multinational Activities

Chair: Department of State  
Strategic Science, Engineering, and

Technology Cooperation and

Technology Transfer

Chair: Office of Science and

Technology Policy

## II. A. Ciset Charter

### B. Terms of Reference for Working Groups

**Charter of the Committee on International Science, Engineering, and Technology of the Federal Coordinating Council for Science, Engineering, and Technology**

#### *Establishment*

The significance of the international dimensions of science and technology to economic and research competitiveness and to U.S. foreign policy and national security interests has become increasingly apparent in recent years. Research policies and programs with major international ramifications cut across a number of departments and agencies of the Executive Branch. To ensure that the scientific and technological policies and priorities of the Executive Branch effectively address these international technical issues and support U.S. foreign policy directives and national security considerations, a senior level interagency mechanism is required to identify, coordinate and evaluate science and technology programs and activities with significant international implications. The FCCSET, established by 42 U.S.C. 6651 and under the Chairmanship of the Director of the Office of Science and Technology Policy, is the senior interagency science committee with the mission of coordinating science activities affecting more than one agency. Therefore, a Committee on International Science, Engineering, and Technology (Ciset) is hereby re-established by the Federal Coordinating Council for Science, Engineering, and Technology (FCCSET).

#### *Purpose*

The Committee on International Science, Engineering, and Technology shall act to strengthen and complement

the international science and technology programs and activities of member agencies and not in lieu thereof. The establishment of this Committee in no way changes or diminishes statutory authority or responsibility of any agency or department. Ciset shall serve as coordinator, clearinghouse, and technical evaluator of federal scientific research programs and activities in the international arena to further the domestic research effort, promote foreign policy goals, and protect national security interests.

Specifically, Ciset will:

(a) Coordinate research planning and implementation of international scientific activities between agencies and provide technical oversight and evaluation of major programs;

(b) Advise on the formulation of broad national priorities and policies for international scientific cooperation in both the bilateral and multilateral fora;

(c) Identify emerging scientific issues with international implications and recommend policy options to formulate national strategies;

(d) Identify opportunities for new international scientific initiatives in order to strengthen domestic R&D efforts, complement U.S. foreign policy, and enhance national security.

#### *Members and Chairman*

(a) The Associate Director of the Office of Science and Technology Policy will chair the Committee.

(b) Membership of the Ciset will be sub-Cabinet officers or the senior agency official responsible for scientific and technological research programs and international policy issues. The Ciset will form an executive steering committee with the members from the Department of State and the National Science Foundation.

(c) Members shall be nominated by their respective agencies subject to the approval of the FCCSET Chairman. In addition, as deemed necessary by the committee's chairman, additional members or observers may be appointed.

(d) The Ciset includes the following initial members:

- The Department of Agriculture
  - Undersecretary for International Affairs and Commodity Programs
  - Assistant Secretary for Science and Education
- The Department of Commerce
  - Administrator, NOAA
  - Director, National Bureau of Standards
  - Deputy Undersecretary for International Trade Administration
  - Assistant Secretary for

Productivity, Technology and Innovation

- The Department of Defense
  - Deputy Undersecretary for International Programs and Technology
  - Deputy Undersecretary for Research and Advanced Technology
- The Department of Energy
  - Director, Energy Research
  - Assistant Secretary for International Affairs
- The Department of Health and Human Services
  - Director, National Institute of Health
  - Assistant Secretary for Health
- The Department of Housing and Urban Development
  - Assistant Secretary for Policy Development & Research
- The Department of the Interior
  - Director, U.S. Geological Survey
- The Department of Labor
  - Deputy Undersecretary for International Affairs
- The Department of State
  - Assistant Secretary, OES
- The Department of Transportation
  - Assistant Secretary for Policy and International Affairs
- Agency for International Development
  - Associate Administrator for Science and Technology
- Central Intelligence Agency
  - Director, Office of Scientific and Weapons Research
  - National Intelligence Officer for Science and Technology
- Environmental Protection Agency
  - Deputy Administrator
- National Aeronautics and Space Administration
  - Deputy Administrator
- National Science Foundation
  - Deputy Director
- United States Information Agency
  - Associate Director for Programs
- Executive Office of the President
  - National Security Council
- Deputy Director for International Economic Affairs
  - Office of Management and Budget
- Deputy Associate Director for Special Studies Division
  - Office of Science and Technology Policy
- Associate Director

#### *Administrative Provisions*

(a) The Committee will report to FCCSET through the Chairman of that body.

(b) Meetings of the Committee, called as deemed appropriate by the Chairman or at the request of FCCSET, will serve



as a forum for the identification of policy issues and problem areas, the discussions and exchange of relevant information, and the evaluation of the work undertaken by the Committee.

(c) The Executive Steering Committee will assist the Chairman in preparing a long-term agenda, recommending committee working groups to address policy issues and problem areas, advising the Committee on significant policy implications of federal science and technology programs, and reviewing completed committee reports and policy recommendations. Non-members with special expertise may be invited to participate in committee working groups as deemed appropriate by the Committee and working group chairman.

(d) Special studies, analysis, and recommendations may be initiated by the Committee. Ad hoc subcommittees or working groups, with participation not restricted to committee members, may be formed to assist the Committee in its work. These types of studies will be responsive to the charge of the specific working groups and the concerns of members agencies.

(e) Committee members will assign such working staff as requested by the Committee Chairman and as is necessary for the conduct of Committee activities and the achievement of its purpose. The agencies shall pay for direct and incidental costs arising from the participation of their members and staff in Committee activities.

(e) Two staff members of the Office of Science and Technology Policy will serve as the Executive Secretary of the Ciset, responsible for non-defense and defense issues.

#### *Compensation*

All members will be full-time Federal employees who are allowed reimbursement for travel expenses by their agencies, plus per diem for subsistence while serving away from their duty stations in accordance with Standard Government Travel Regulations.

#### *Duration*

The Committee's activities and the continuing need for the Committee will be reviewed by the FCCSET Chairman bi-ennially.

#### *Determination*

I hereby determine that the formation of the Ciset is in the public interest in connection with the duties imposed on the Executive Branch by law, and that

such duties can best be performed through the advice and counsel of such a group.

Approved:

Dated: December 20, 1985.

G.A. Keyworth,  
Chairman.

#### **Terms of Reference of the FCCSET/ Ciset Working Group on International Science, Engineering, and Technology Education Infrastructure, and Facilities**

*Establishment:* There is established a Working Group on International Science, Engineering and Technology Education, Infrastructure, and Facilities under the FCCSET Committee on International Science, Engineering and Technology (Ciset). The purpose of the Working Group will be to develop policy options to increase the effectiveness of U.S. participation in the international science, engineering, and technology system, including recommendations related to education, mobility of scientists and engineers and the sharing of major research facilities internationally.

*Members and Chairman:* The Working Group will be chaired by the Ciset member from the National Science Foundation who will report on its behalf to the Chairman of Ciset. Other members will be Ciset principals, to the extent possible, and otherwise nominees from their respective agencies.

*Duration:* The Working Group's activities and the continuing need for the Working Group will be reviewed by the Ciset Chairman annually.

#### **Terms of Reference of the FCCSET/ Ciset Working Group on Science, Engineering, Technology and International Competitiveness**

*Establishment:* There is established a Working Group on Science, Engineering, Technology and International Competitiveness under the FCCSET Committee on International Science, Engineering and Technology (Ciset). The purpose of the Working Group will be to assess the impact of R&D policies and investments on international economic and research competitiveness and to recommend new initiatives in international science and technology to promote the competitive position of the United States.

*Members and Chairman:* The Working Group will be chaired by the Ciset member from the Department of Commerce who will report on its behalf to the Chairman of Ciset. Other members will be Ciset principals, to the extent possible, and otherwise nominees from their respective agencies.

*Duration:* The Working Group's activities and the continuing need for the Working Group will be reviewed by the Ciset Chairman annually.

#### **Terms of Reference of the FCCSET/ Ciset Working Group on Bilateral and Multinational Activities**

*Establishment:* There is established a Working Group on Bilateral and Multinational Activities under the FCCSET Committee on International Science, Engineering and Technology (Ciset). The purpose of the group will be to develop policy options and recommendations to optimize U.S. participation in bilateral and multinational activities of importance to the Government. Bilateral agreements and programs with significant strategic and security implications may be addressed in a separate working group.

*Members and Chairman:* The Working Group will be chaired by the Ciset member from the Department of State who will report on its behalf to the Chairman of Ciset. Other members will be Ciset principals, to the extent possible, and otherwise senior nominees from their respective agencies.

*Duration:* The Working Group's activities will be reviewed by the Ciset Chairman annually.

#### **Terms of Reference of the FCCSET/ Ciset Working Group on Strategic Science, Engineering, and Technology Cooperation and Technology Transfer**

*Establishment:* There is established a Working Group on Strategic Science, Engineering, and Technology Cooperation and Technology Transfer under the FCCSET Committee on International Science, Engineering and Technology (Ciset). The purpose of the Working Group will be to identify the scientific and technological policy objectives of strategic science and technology cooperation, assess National Security, technology transfer, and foreign policy implications and recommend policy options to advance national goals and protect security interests.

*Members and Chairman:* The Working Group will be chaired by the Ciset member from the Office of Science and Technology Policy who will report on its behalf to the Chairman of Ciset. Other members will be Ciset principals, to the extent possible, and otherwise nominees from their respective agencies.

*Duration:* The Working Group's activities will be reviewed by the Ciset Chairman annually.



**RAILROAD RETIREMENT BOARD****Agency Forms Submitted for OMB Review****AGENCY:** Railroad Retirement Board.**ACTION:** In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.**SUMMARY OF PROPOSAL(S):**

- (1) Collection title: Employer's Deemed Service Month Questionnaire
- (2) Form(s) submitted: GL-99
- (3) Type of request: New collection
- (4) Frequency of use: Annually
- (5) Respondents: Businesses or other for-profit
- (6) Annual responses: 18,000
- (7) Annual reporting hours: 900
- (8) Collection description: Under section 3(i) of the Railroad Retirement Act (RRA) the Board may deem additional months of service in some cases where an employee does not actually work in every month of the year. The collection obtains needed service and compensation information from railroad employers for determining if an employee may be credited with additional deemed months of railroad service.

**ADDITIONAL INFORMATION OR**

**COMMENTS:** Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (31-751-4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Judy McIntosh (202-395-6880), Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Pauline Lohens,  
Director of Information and Data  
Management.

[FR Doc. 86-9164 Filed 4-23-86; 8:45 am]

BILLING CODE 7905-01-M

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-23145; File No. SR-Amex-86-9]

**Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Approving Proposed Rule Change**

On March 10, 1986, the American Stock Exchange, Inc. ("Amex" or

"Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to clarify its policy regarding the matching of orders by options traders affiliated with the same member organization.

The proposed rule change was noticed in Securities Exchange Act Release No. 23015 (March 13, 1986), 51 FR 9908 (March 21, 1986). No comments were received on the proposed rule change.

The Amex proposes to clarify its policy regarding when options traders who are affiliated with the same member or member organization may match orders in the trading crowd. The proposed policy is set forth in an information circular which will be distributed to the Amex membership. In brief, the proposed circular reconfirms that traders who are in a joint account, or who are associated with the same member organization, may not match orders. A limited exception to this policy will be made, however, if such traders who are associated with the same member firm have demonstrated that they are not affiliated with one another. If traders are associated with the same member organization but are not affiliated with one another, they would be permitted to match subject to a limitation: If two or more such traders are on parity in an trading crowd, they would be entitled to that proportion of the trade which they could obtain if there were only two such affiliated traders. The Exchange will make determinations upon request as to whether such traders are in fact affiliated with one another, using the control test set forth in Exchange Rule 904, which governs aggregation of accounts in the context of position limits.<sup>3</sup>

Because the goal of the Amex policy is to ensure fairness in the execution of orders in the trading crowd (a single firm or a joint account should be prohibited from obtaining a larger portion of a match by "packing the crowd"), the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the

requirements of section 6<sup>4</sup> and the rules and regulations thereunder.

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act,<sup>5</sup> that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>6</sup>

Dated: April 17, 1986.

John Wheeler,  
Secretary.

[FR Doc. 86-9180 Filed 4-23-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23143; File No. SR-CSE-861]

**Self-Regulatory Organizations; Order Approving Proposed Rule Change by Cincinnati Stock Exchange, Inc., Relating to Small Order Execution Guarantee**

The Cincinnati Stock Exchange, Inc. ("CSE") submitted on March 6, 1986, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder, to amend its rules to increase from 1,099 to 2,099 the number of shares of a public agency market order that are guaranteed automatic execution at the best available price represented by all Intermarket Trading System participants.

Notice of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Act Release No. 22987, March 7, 1986) and by publication in the *Federal Register* (51 FR 9130, March 17, 1986). No comments were received regarding the proposal.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder. Specifically, the rule change is consistent with section 6(b)(5) of the Act, in that it is consistent with section 6(b)(5) of the Act, in that it is designed to perfect the mechanism of a free and open market and a national market system. The proposed rule change further promotes the purposes of the Act by assuring economically efficient executions of securities transactions, to the benefit of the investing public.

<sup>1</sup> 15 U.S.C. 78s(b)(1) (1982).<sup>2</sup> 17 CFR 240.19b-4 (1985).

<sup>3</sup> Exchange Rule 904 sets forth criteria under which accounts will be presumed to be under common control. See Securities Exchange Act Release No. 22695 (December 9, 1985), 50 FR 50976.

<sup>4</sup> 15 U.S.C. 78f (1982).<sup>5</sup> 15 U.S.C. 78s(b)(2) (1982).<sup>6</sup> 17 CFR 200.30-3(a)(12) (1982).



It is Therefore Ordered, pursuant to section 19(b)(2) of the Act, that the rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 17, 1986.

John Wheeler,

Secretary.

[FR Doc. 86-9181 Filed 4-23-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23134; File No. SR-MSRB-86-8]

**Self-Regulatory Organizations;  
Proposed Rule Change by the  
Municipal Securities Rulemaking  
Board; Relating to Syndicate Practices**

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 3, 1986, the Municipal Securities Rulemaking Board ("Board") filed with the Securities and Exchange Commission a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's  
Statement of the Terms of Substance of  
the Proposed Rule Change**

The proposed rule change would modify rule G-11(g) on syndicate practices to require syndicate managers to provide to syndicate members a written summary of allocations receiving priority over members' "take-down" orders within two business days after the date of sale, rather than 10 business days after the date of sale, as currently required by the rule. The proposed rule change also would delete the requirement in rule G-11(g) that information identifying persons placing group or related portfolio orders to which securities are allocated be provided to syndicate members within 10 business days of the date of sale and would add to section (h) of the rule the requirement that this information be provided at or before final settlement of the syndicate, with other final accounting information. The full text of the proposed rule change is available for inspection and copying at the Commission's Public Reference Section and at the offices of the Board.

**II. Self-Regulatory Organization's  
Statement of the Purpose of, and  
Statutory Basis for, the Proposed Rule  
Change**

**A. Self-Regulatory Organization's  
Statement of the Purpose of, and  
Statutory Basis for, the Proposed Rule  
Change.**

(a) Current rule G-(g) requires syndicate managers to provide syndicate members, within 10 business days following the date of sale, written disclosures including: the identity of allocation; the identity of each related portfolio (including sponsored municipal securities investment trusts or accumulation accounts for such trusts) to which securities were allocated and the amount of the allocation; and a summary, by priority category, of all allocations of securities to orders which were entitled to a higher priority than the members' "take-down" orders. Each of these disclosures of allocations must include the aggregate par value and maturity date of each maturity so allocated. The disclosures allow syndicate members to understand and to react to the syndicate's marketing practices and to monitor the syndicate manager's compliance with the syndicate priority allocation provisions.

Based on comments received from industry members, described more fully in Item II C below, the Board concluded that information on quantity and price of priority allocations would provide greater assistance to syndicate members in understanding and reacting to syndicate practices if provided earlier in the underwriting process than 10 business days after date of sale. The proposed rule change, accordingly, requires the written summary of priority allocation information to be provided within two business days after the date of sale, rather than within 10 business days. The Board also concluded that information on the identity of persons placing group or related portfolio orders to which securities are allocated, while useful to syndicate members in monitoring compliance with syndicate agreements, would continue to be useful for this purpose, and would create less administrative burden on the syndicate manager, if provided with other final accounting information at the settlement of the syndicate account. The proposed rule change deletes the requirement that the syndicate manager disclose this information within 10 business days of the date of sale and replaces it with a requirement that it be provided with other final accounting information at or before the settlement of the syndicate account.

(b) The proposed rule change is adopted pursuant to section 15B(2)(C) of the Securities Exchange Act of 1934, as amended (the "Act") which authorizes and requires the Board to adopt rules.

designed to . . . promote just and equitable principles of trade . . . and not be designed to permit unfair discrimination between customers, issuers, municipal securities brokers, or municipal securities dealers, to fix minimum profits to impose any schedule or fix rates of commissions, allowances, discounts or other fees to be charged by municipal securities brokers or municipal securities dealers . . .

and section 15B(b)(2)(K) of the Act, which requires and empowers the Board to adopt rules that

establish the terms and conditions under which any municipal securities dealer may sell, or prohibit any municipal securities dealer from selling, any part of a new issue of municipal securities to a municipal securities investment portfolio during the underwriting period. . . .

**B. Self-Regulatory Organization's  
Statement on Burden on Competition**

The board believes that the proposed rule change would not have any significant burden on competition because it would apply to all municipal securities dealers equally. The proposed rule change would require dealers serving as syndicate managers to share potentially useful market information with syndicate members at an earlier date in the underwriting process, and, thereby, should reduce any potential unfair competitive advantage that might be enjoyed by a syndicate manager having exclusive use of such information during a particular underwriting.

**C. Self-Regulatory Organization's  
Statement on Comments on the  
Proposed Rule Change Received from  
Members, Participants, or Others**

**June 1985 Notice Requesting Comment**

In June 1985, in response to concern expressed by certain dealers regarding syndicate practices in the municipal securities industry, the Board published a notice requesting comment from interested persons whether rule G-11 should be modified, strengthened or withdrawn. The Board received 10 comments on the notice.

Two of the commentators argued that the rule is unnecessary and should be withdrawn. Three commentators stated that the rule serves a worthwhile purpose by forestalling abuses by syndicate managers in the allocation process. One commentator suggested an amendment requiring syndicate agreements to allocate a portion of an issue (15-20%) for individuals or small



buyers. Another commentator suggested that rule G-11 be amended to specify the priority or orders required to be followed by all syndicates.

#### August 21, 1985, Meeting With Industry Members

After considering the comments received on the June 1985 notice, the Board met in New York City on August 21, 1985, with several industry members that act as syndicate managers as well as syndicate members.

In general, the commentators suggested that while some benefits might be derived from strengthening rule G-11 to provide syndicate members with a greater chance to obtain syndicate allocations, the interests of syndicate members, issuers and investors would be served better by preserving the flexibility of syndicates to establish their own procedures for underwriting a new issue of municipal securities. A number of commentators at the meeting suggested that rule G-11 has a prophylactic effect in preventing abuse by managers because it subjects syndicate activities to scrutiny by syndicate members and, to some extent, by investors.

With regard to the disclosure provisions of the rule, several commentators stated that information on the amount and price of securities allocated on a priority basis required to be disclosed under section (g) is useful to syndicate members in understanding the syndicate's marketing practices and determining the price at which the securities can be sold. These commentators noted that such information would be much more useful if provided earlier than 10 business days after the date of sale. They stated that the identities of the persons placing priority orders is not necessary for the allocation information to be useful since the information primarily serves to indicate the quantities and price levels at which the securities were marketed by the syndicate.

#### November 1985 Exposure Draft

After considering the comments received at the August 21 meeting along with the previous comments on the rule, the Board, in November 1985, published an exposure draft of amendments to rule G-11 which were substantively the same as the proposed rule change.

The Board received three comment letters on the exposure draft. One commentator suggested that the benefits of receiving information on priority allocations two days after the date of sale would be no greater to syndicate members than if received 10 business days after the date of sale and could

pose an unnecessary burden on some firms serving as syndicate managers. Based on the previous comments received, however, the Board believes that this information would be useful to syndicate members in understanding and reacting to the syndicate's marketing practices, thereby minimizing any marketing advantage that a syndicate manager might enjoy by exclusive use of this information. Therefore, the Board has concluded that the information should be provided within two business days after the date of sale rather than 10 business days after the date of sale.

Two commentators suggested that the requirement to provide allocation information to syndicate members in writing two business days after the date of sale would be difficult for syndicate managers to accomplish in some cases. The Board expects that syndicate managers utilizing electronic means of communicating information to syndicate members also will use this means to communicate the required disclosures. The Board notes, however, that the mailing of the disclosures within two business days following the date of sale will comply with the rule if the syndicate manager also makes the required information available within two business days following the date of sale by telephone to syndicate members requesting it.

One commentator supported as "appropriate" the provision of the November 1985 exposure draft regarding disclosure of the identities of persons placing related portfolio or group orders to which securities were allocated. Another commentator opposed the provision, stating that the identifying information would be more valuable within 10 business days after the date of sale than at the settlement of the syndicate. The Board concluded that the primary purpose of this disclosure is not to assist syndicate members in marketing new issue securities but rather to allow members to ensure compliance with the allocation provisions of syndicate agreements and ultimately to know the identity of persons who placed orders for the benefit of the entire syndicate. The Board believes that these purposes can be accomplished with the least burden to syndicate managers at or before the final settlement of the syndicate, when other final accounting information is provided.

#### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal*

*Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by [May 15, 1986].

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 16, 1986.

John Wheeler,  
Secretary.

[FR Doc. 86-8182 Filed 4-23-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23144; File No. SR-Phlx-86-9]

#### Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change

On March 4, 1986, the Philadelphia Stock Exchange ("Phlx" or "Exchange"), submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act")<sup>1</sup>

<sup>1</sup> 15 U.S.C. 78s(b)(1)(1982).



and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to rescind Commentary .01(a)(i) of Phlx Rule 1010 relating to withdrawal of approval of underlying stocks for options trading. The Phlx filed Amendment No. 1 to the rule proposal on April 2, 1986.

The proposed rule change was noticed in Securities Exchange Act Release No. 23001 (March 12, 1986), 41 FR 9565 (March 19, 1986). One comment letter was received on the proposed rule change which supported the change.<sup>3</sup>

The rule proposal as originally submitted rescinds the Exchange's requirement that, in order to maintain approval of an underlying security for options trading, an issuer and its significant subsidiaries must meet their obligations concerning the payment of any dividend or sinking fund installment on preferred stock, or in the payment of any principal, interest, or sinking fund installment on any indebtedness for borrowed money, or in the payment of rentals under long-term leases.<sup>4</sup> The Phlx believes that this requirement is no longer necessary because when an issuer defaults in the payment of any of these obligations, the marketplace will assess the effect of such action and such assessment will be reflected in the price of the stock. In addition, the ability of investors to engage in strategies involving put options affords the opportunity to react accordingly in the event an issuer announces a default in the payment of its obligations. Should the stock fall below \$6.00, then no additional series can be added and the option will be delisted in due course unless the underlying security is able to comply with eligibility criteria for listing required by Phlx Rule 1009.

In Amendment No. 1 to the rule filing, Phlx also requests approval to rescind Commentary .01(b) of Phlx Rule 1009, which lists the criteria for approval of underlying stocks or underlying foreign currencies for options trading. Commentary .01(b) contains the same requirement regarding an issuer's payment of dividends and indebtedness as is contained in Commentary .01(a)(i) of Rule 1010. In order to maintain consistency in the application of Rules 1009 and 1010, the Phlx requests that identical amendments be made to both rules.

Phlx maintains that rescission of these requirements is appropriate at this time given the maturation of standardized options trading over the past decade and the liberalization of the listing and maintenance criteria over the past five years. In addition, Phlx believes that stocks eligible for options trading will continue to be widely held and actively traded and considerable information regarding the issuer will be publically available. The Commission concurs in this rationale, and accordingly finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6<sup>5</sup> and the rules and regulations thereunder.

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act,<sup>6</sup> that the proposed rule change is approved for a six month period commencing as of the date of this order.<sup>7</sup>

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>8</sup>

Dated: April 17, 1986.

John Wheeler,

Secretary.

[FR Doc. 86-9183 Filed 4-23-86; 8:45 am]

BILLING CODE 8010-01

#### Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Incorporated

April 18, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Biocraft Laboratories, Inc.

Common Stock, \$0.01 Par Value (File No. 7-8931)

<sup>5</sup> 15 U.S.C. 78f (1982).

<sup>6</sup> 15 U.S.C. 78s(b)(2)(1982).

<sup>7</sup> In view of the ongoing discussions among the options exchanges regarding possible uniform revisions to the options eligibility criteria (see letter from Richard T. Chase, Associate Director, Division of Market Regulation, to Nancy R. Crossman, Special Counsel, Options Division, American Stock Exchange, Inc. *et al.*, dated April 4, 1986), the Phlx agreed to amend their proposed rule change to make the rule change effective for only a six month pilot period. Telephone conversation between Brandon Becker, Assistant Director, Division of Market Regulation, and Barbara Rothenberg, General Counsel, Phlx, on April 16, 1986.

<sup>8</sup> 17 CFR 200.30-3(a)(12)(1985).

Flemming Companies, Inc.

Common Stock, \$2.50 Par Value (File No. 7-8932)

Pullman Peabody Co.

Common Stock, \$0.10 Par Value (File No. 7-8933)

Rexnord, Inc.

Common Stock, \$1.00 Par Value (File No. 7-8934)

First Bank Systems, Inc.

Common Stock, \$1.25 Par Value (File No. 7-8935)

Central Fund of Canada, Ltd.

Class A Common Stock, No Par Value (File No. 7-8936)

PHH Group, Inc.

Common Stock, No Par Value (File No. 7-8937)

Resorts International, Inc.

Class A Common Stock, \$1.00 Par Value (File No. 7-8938)

MDC Holdings, Inc.

Common Stock, \$0.01 Par Value (File No. 7-8939)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 9, 1986, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-9184 Filed 4-23-86; 8:45 am]

BILLING CODE 8010-01-M

#### Laser Arms Corp. (File No. HO-1833); Order of Trading Suspension

April 21, 1986.

It appears to the Securities and Exchange Commission that there is a lack of current adequate and accurate public information concerning Laser Arms Corporation's business, operations financial condition and products and the identity current management.

<sup>2</sup> 17 CFR 240.19b-4 (1985).

<sup>3</sup> Letter from Nancy R. Crossman, Special Counsel, Options Division, American Stock Exchange, to Eneida Rosa, Branch Chief, Branch of Options Regulations, Division of Market Regulation, dated March 21, 1986.

<sup>4</sup> Pursuant to Exchange Rule 1010, the issuer and/or its significant subsidiaries have twelve months within which to cure the default.



Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that over-the-counter trading in the securities of Laser Arms Corporation is suspended for a single ten-day period from 9:30 A.M. (EST) on April 21 1986 through 11:59 P.M. (EDT) on April 30, 1986.

By the Commission.

John Wheeler,  
Secretary

[FR Doc. 86-9185 Filed 4-23-86; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[Order 86-4-57, Order to Show Cause]

#### Aviation Proceedings; Fitness Determination of Kenneth H. Bunch d/b/a Sportsman Flying Service a/k/a Gulkana Air Service

**AGENCY:** Department of Transportation.

**ACTION:** Notice of Air Carrier Fitness Determination.

**SUMMARY:** The Department of Transportation is proposing to find that Kenneth H. Bunch d/b/a Sportsman Flying Service a/k/a Gulkana Air Service is fit, willing and able to provide reliable subsidized essential air service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards.

**Responses:** All interested persons wishing to respond to the Department of Transportation's tentative fitness and reliability determination should file their responses with the Service Analysis Division I, Room 5100, Department of Transportation, 400 7th Street, SW., Washington, DC 20590, and serve them on all persons listed in Attachment A to the Order. Responses shall be filed no later than May 5, 1986.

**FOR FURTHER INFORMATION CONTACT:** Bernard A. Calure, Service Analysis Division I, Department of Transportation, 400 7th Street, SW., Washington, DC 20590 (202) 426-9813.

Dated: April 18, 1986.

Vance Fort,  
Deputy Assistant Secretary for Policy and International Affairs.

[FR Doc. 86-9229 Filed 4-23-86; 8:45 am]

BILLING CODE 4910-82-M

## Coast Guard

[CGD 86-030]

#### Environmental Impact Statement on Proposed Midpoint Toll Bridge Construction Across Caloosahatchee River, between Cape Coral and Ft. Myers, Lee County, FL

**AGENCY:** U.S. Coast Guard, DOT.

**ACTION:** Notice of intent to prepare an Environmental Impact Statement.

**SUMMARY:** The Coast Guard is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared in conjunction with actions (issuance or denial of a bridge permit) related to the approval of location and plans for the proposed construction of a toll bridge across the Caloosahatchee River. The Caloosahatchee River at the site of the proposed toll bridge has been determined to be navigable waters of the United States; therefore, a Coast Guard permit is required.

**ADDRESS:** Written comments should reference this notice and be addressed to: Commander, Seventh Coast Guard District, Aids to Navigation Branch, 51 SW. First Avenue, Miami, Florida, 33130.

**FOR FURTHER INFORMATION CONTACT:** Ms. Zonia C. Reyes, Bridge Administration Specialist, Bridge Section, Aids to Navigation Branch, Seventh Coast Guard District, at the above address (305) 536-4013/FTS 350-4103.

**SUPPLEMENTARY INFORMATION:** Lee County has submitted an application to the Coast Guard for a bridge permit to construct the subject bridge project. The Coast Guard is the lead Federal Agency for the preparation of the EIS. The purpose of the proposed bridge project is to improve traffic flow between Cape Coral and Ft. Myers, by constructing a toll bridge across the Caloosahatchee River. A range of alternative alignments and designs, including the no-action alternative, will be considered for the project. The consultant has held a series of public information meetings to identify potential impacts within the corridor. A scoping meeting open to the general public will be held on May 22, 1986 at 7:00 p.m., at the Ft. Myers Tourist Center, Hall of 50 States, 2254 Edwards Drive, Ft. Myers, Florida. To ensure all impacts related to the proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed action and EIS should be directed to the Coast Guard at the above address.

Dated: April 17, 1986.

T.J. Wojnar,  
Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 86-9205 Filed 4-23-86; 8:45 am]

BILLING CODE 4910-14-M

## Federal Aviation Administration

[Summary Notice No. PE-86-9]

#### Petition for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petitions for exemption received and of dispositions of prior petitions.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATE:** Comments on petitions received must identify the petition docket number involved and must be received on or before: May 14, 1986.

**ADDRESS:** Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. \_\_\_\_\_, 800 Independence Avenue, SW., Washington, DC 20591.

**FOR FURTHER INFORMATION CONTACT:** The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11)



Issued in Washington, DC, On April 17, 1986.

Richard C. Beitel,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

#### PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
23980	United States Hang Gliding Assn	14 CFR 91.17 and Portions of Part 103	Extension of Exemption 4144 to allow petitioner to tow aloft an unpowered ultralight (hand glider) by a powered ultralight.
23854	Airline Training Institute	14 CFR 61.157(d)(1) and 61.63(d)(2) and (3)	To allow trainees of petitioner to complete a practical test for the issuance of a type rating to be added to any grade of pilot certificate by substituting for the flight test required by § 61.63(d)(2) the test requirements in Appendix A, subject to specific conditions and limitations.
23492	United States Hang Gliding Assoc., Inc.	14 CFR 103.1(a) and (b)	To allow the definition of "ultralight vehicle" to apply to unpowered vehicles of not more than 155 pounds weight used to carry two occupants for the purpose of sport and recreation, including practicing for, or participating in, two-place competition, or flight instruction conducted by petitioner's certified instructors.
011CE	Cessna Aircraft Company	14 CFR 23.207	To permit Type Certification of derivative models of Cessna Models 406, 435, 441, and 208 airplanes with a stall warning beginning at airspeeds greater than 10 knots or 15 percent above the stall speed.
24920	Federal Exams Aviation Ground School	14 CFR 65.75(b)	To allow petitioner to issue a temporary certificate/rating to students upon satisfactory completion of all written, oral, and practical exams to avoid the waiting period involved pending FAA approval and issuance of the permanent certificate/rating.
22576	Ray's Flight System, Inc.	14 CFR 61.63(d)(2) and (3) and 1.157(d)(1)	Extension of Exemption 3544 to allow trainees of petitioner, who are applicants for a type rating to be added to any grade of pilot certificate, to substitute the practical test requirements of § 61.63(d)(2) and (3), and to complete a portion of that practical test in a simulator.
24881	G.L. Capps Company	14 CFR 145.57	To allow petitioner to continue its operations without the availability of a current manufacturer's manual.
24961	Air Illinois, Inc., d.b.a. Atlantic Gulf Airlines	14 CFR 145.71 and 145.79	To allow petitioner to utilize Federal Aviation Administration (FAA) repair station no. 5419 (Coopesa) to do heavy maintenance check in lieu of a U.S. facility.
24164	Royale Airlines	14 CFR 135.157(b)(2)(ii)	To add Gulfstream G-159, N725RA, to exemption 4319, which permits petitioner to operate nine Grumman Gulfstream (G-159) airliner aircraft up to 23,000 feet mean sea level without complying with the passenger oxygen dispensing requirements in its air carrier passenger-carrying operations.
23077	Trinidad & Tobago	14 CFR Portions of Parts 21 and 91	To extend the termination date of Exemption 3578, to allow petitioner to operate a leased, U.S. registered L1011-385-3, using a FAA-approved Minimum Equipment List and an FAA-approved continuous inspection and maintenance program.
24836	United Airlines	14 CFR 121.371(a) and 121.378	To modify Exemption 4615 to correct the type designation specified. The original exemptions allows petitioner to contract with Hong Kong Aviation Engineering Company to perform maintenance on L1011 aircraft.
24940	American Trans Air, Inc.	14 CFR 121.3	To allow petitioner to operate a limited number of "subservice" or "wet-lease" flights on behalf of scheduled U.S. or foreign air carriers as supplemental flights, under Part F of its domestic and flag operations specifications (ops specs), without further amendment of its authority. In the alternative, to the extent the FAA may require some form of ops specs amendment for any of its subservice operations, petitioner requests an exemption to permit these amendments to be made to Part H of its ops specs without the procedures of formally adding these flights to Part C, necessitating placement of manuals, training of ground personnel, inspection of stations, and further steps.
22539	Air Methods, Inc.	14 CFR 43.3(h)	To allow petitioner to permit its appropriately trained and certificated pilots to remove, check, and reinstall magnetic chip detector plugs installed on Allison 250 series turbine engines, transmissions, and tail rotor gearboxes of the Bell 206L-1/L-3 series helicopters operated by them in or en route to remote areas subject to stipulated conditions. Air Method also requested that the Lycoming LTS 101-750 series engines, and the tail rotor gearbox on the Bell 222 helicopter be included in the amended exemption, which expires August 31.

#### DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought and disposition
24773	Transporte Aereo Rioplatense S.A.C.	14 CFR 91.303	To extend the January 1, 1985, noise level compliance date. <i>Amended grant 3/21/86.</i>
23907	Bolivar Aviation	14 CFR 141.65	To allow petitioner to continue to have examining authority for written tests for Flight Instructor, Instrument Flight Instructor, and Airline Transport Pilot Certificates. <i>Granted 3/24/86.</i>
23982-1	Independent Air, Inc.	14 CFR 91.303	To extend the January 1, 1985, noise level compliance date. <i>Amended partial grant 3/24/86.</i>
24906	Cotton Belt Aviation, Inc.	14 CFR 141.17(a)(1) and 141.27(c)	To allow petitioner to reapply for a provisional pilot school certificate prior to the 180 days allowed. <i>Granted 3/20/86.</i>
24891	Air Midwest, Inc.	14 CFR 135.337	To permit petitioner to use certain instructor pilots employed by Embraer Aircraft Corporation who do not hold U.S. certificates and ratings and who are not qualified in a training program approved under Part 135 to train an initial cadre of Air Midwest pilots in the Embraer 120 (EMB-120) type airplane. <i>Withdrawn 2/3/86.</i>
010CE	Bapco Engineering	§§ 3.430 and 3.446 of the Civil Air Regulations in effect on May 15, 1956.	To permit the Supplemental Type Certification of Cessna Model 100 and 200 Series airplanes without interconnecting the fuel tank airspaces of tanks supplying fuel simultaneously to one engine. <i>Denied 3/25/86.</i>
24846	Captain A.S. Clevenger	14 CFR 121.383(c)	To allow petitioner to serve as a pilot in Part 121 operations after reaching his 60th birthday. <i>Denied 4/1/86.</i>



## DISPOSITIONS OF PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought and disposition
21350	The Coastal Corporation	14 CFR 61.58(c)	To allow petitioner's pilots to complete all of their 24-month pilot-in-command checks in an FAA-approved simulator under certain conditions and limitations. <i>Granted 4/1/86.</i>
24859	Richard A. Wegner	14 CFR 121.383(c)	To allow petitioner to serve as a pilot in Part 121 operations after reaching his 60th birthday. <i>Denied 4/1/86.</i>
24750	Frederick A. Morse	14 CFR 121.383(c)	To allow petitioner to serve as a pilot in Part 121 operations after reaching his 60th birthday. <i>Denied 4/1/86.</i>
24431	Herbert F. Ewald	14 CFR 121.383(c)	To allow petitioner to continue to serve as a pilot in operations conducted under Part 121 after reaching his 60th birthday. <i>Denied 4/1/86.</i>
23834	Captain Robert R. Hackenberg	14 CFR 121.383(c)	To allow petitioner to serve as a pilot in Part 121 operations after reaching his 60th birthday. <i>Denied 4/1/86.</i>
24373	Transportes Aereos Mercantiles Panamericanos, S.A.	14 CFR 91.303	To extend the January 1, 1985, noise level compliance date. <i>Amended Grant 3/28/86.</i>
24345	Varig, S.A.	14 CFR 91.303	To extend the January 1, 1985, noise level compliance date. <i>Amended partial grant 3/28/86.</i>
24811	Glenn G. Cunningham	14 CFR 61.13(g)(1)	To allow petitioner to reapply for an airman certificate with commercial pilot privileges prior to the required 1-year revocation period. <i>Denied 4/2/86.</i>
24055-1	Ports of Call Travel Club	14 CFR 91.303	To allow petitioner to operate eight Stage 1 Boeing 707 aircraft until hush kits are installed. <i>Denied 4/4/86.</i>
23868	General Electric Co.	14 CFR 87.7(b)	To exempt petitioner from the exhaust emissions requirements. <i>Amended grant 3/28/86.</i>
23192	The Boeing Company	14 CFR 47.37(a)(2)	To allow petitioner to expedite United States registration of aircraft last previously registered in a foreign country. <i>Denied 4/1/86.</i>
24704	United Helicopters Technologies Corporation	14 CFR 91.83(c)(1)	To permit petitioner to use lower alternate weather minimums for helicopters. <i>Denied 4/3/86.</i>
24626	The Aerial Advantage	14 CFR 91.79(b)	To allow petitioner to operate a balloon 500 feet above the ground in congested areas or 500 feet above the highest obstacle within a horizontal radius of 500 feet in congested areas.
24933	Fischer Brothers Aviation, Inc.	14 CFR 135.337 and 135.339	To allow petitioner to use certain qualified instructor pilots of Dornier Aircraft Company to train petitioner's initial cadre of pilots in the Dornier 228-201 type airplane without meeting all of the applicable training requirements of Subpart H of Part 135 of the FAR. <i>Granted 4/9/86.</i>
20049	T.B.M., Inc.	14 CFR 91.211(a)(1)	To allow petitioner to conduct operations of its McDonnell Douglas DC-6, and DC-7B aircraft without a flight crewmember holding a current flight engineer certificate. <i>Granted 4/11/86.</i>
24831	CMI Aircraft Corp.	14 CFR 21.181	To allow petitioner to operate certain types of aircraft utilizing the provisions of a minimum equipment list. <i>Withdrawn 12/31/85.</i>

[FR Doc. 86-9112 Filed 4-23-86; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF THE TREASURY

## Public Information Collection Requirement Submitted to OMB for Review

Date: April 17, 1986.

The Department of Treasury has submitted the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of this submission may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, DC 20220.

## Internal Revenue Service

OMB Number: New.  
Form Number: IRS Form 5500EZ.  
Type of Review: New Collection.  
Title: Annual Return of One-Participant Pension Benefit Plan.  
Clearance Officer: Garrick Shear (202) 566-6150, Internal Revenue Service,

Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224  
OMB Reviewer: Robert Neal (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Joseph F. Maty,

Department Reports, Management Office.

[FR Doc. 86-9129 Filed 4-23-86; 8:45 am]

BILLING CODE 4810-25-M

## Customs Service

[T.D. 86-89]

## Fish; Tariff-Rate Quota for Calendar Year 1986

AGENCY: Customs Service, Treasury.

ACTION: Announcement of the quota quantity on certain fish for Calendar Year 1986.

SUMMARY: The tariff-rate quota for fish pursuant to item 110.55 (TSUS) for the 1986 Calendar Year is 58,652,549 pounds.

EFFECTIVE DATES: The 1986 tariff-rate quota is applicable to fish described in item 110.50, TSUS, which are entered, or withdrawn from warehouse, for consumption during Calendar Year 1986.

## FOR FURTHER INFORMATION CONTACT:

Karen L. Cooper, Acting Quota Program Manager, Admissibility Requirements Section, Commercial Law Enforcement Branch, Commercial Compliance Division, Office of Commercial Operations, U.S. Customs Service, Washington, DC 20229, (202) 566-8592.

SUPPLEMENTARY INFORMATION: This tariff-rate quota for fish is equal to 15 percent of the average aggregate apparent annual consumption in the United States of fish, fresh, chilled or frozen, fillets, steaks, and sticks of cod, cusk, haddock, hake, pollock, and rosefish, for the 3 preceding years, as provided for in Headnote 1, part 3A, Schedule 1, and item 110.50, TSUS.

It has been determined that the average aggregate consumption for Calendar Years 1983 through 1985 was 391,016,990 pounds. Therefore, the quota quantity for fish, item 110.50, TSUS for Calendar Year 1986 is 58,652,549 pounds.

Dated: April 21, 1986.

William von Raab,  
Commissioner of Customs.

U.S. Production, Entries of American Fisheries, and Imports for Consumption of: Fresh or frozen fillets, steaks and sticks of cod, haddock, hake, pollock, cusk and rosefish.



## POUNDS.—1982-1984

Year	Production	Entries of American fisheries	Imports of consumption	Total <sup>1</sup>
1983	81,223,000		295,143,139	376,366,139
1984	94,943,000		305,496,287	400,439,287
1985	82,775,000		313,470,545	396,245,545
3-year Average	258,941,000		914,109,971	1,173,050,971
15% of 3-year Average			391,016,990	
Quarterly quotas for 1985:			58,652,549	
1st			14,663,137	
2nd			14,663,137	
3rd			14,663,137	
4th			14,663,138	
Yearly total			58,652,549	

<sup>1</sup> Apparent consumption as provided in Headnote 1 and item 110.50, Part 3A Schedule 1, TSUS.

<sup>2</sup> Production figures for 1983 and 1984 were revised by National Fisheries Service, U.S. Department of Commerce by letter dated March 4, 1986.

<sup>3</sup> The 1985 import figure is as shown on computer records on March 21, 1986, for the period ending December 31, 1986. Source: Production from National Marine Fisheries Service, U.S. Department of Commerce, entries of American Fisheries by U.S. International Trade Commission from records of the U.S. Department of Commerce; imports for consumption from records of U.S. Customs Service, Department of the Treasury.

Fish	Jan.-Mar. 1985
Canada	35,531,348
Total Other Countries	36,367,591
Grand Total	71,898,939
	Apr.-June 1985
Canada	43,090,402
Total Other Countries	39,490,155
Grand total	82,580,557
	July-Sept. 1985
Canada	53,315,083
Total Other Countries	34,151,760
Grand total	87,466,843
	Oct.-Dec. 1985
Canada	34,826,515
Total Other Countries	36,697,691
Grand total	71,524,206
Yearly total	313,470,545

[FR Doc. 86-9194 Filed 4-23-86; 8:45 am]

BILLING CODE 4820-02-M

[T.D. 86-88]

### Revocation of Independent Surveyors of Petroleum, Inc., as a Customs Approved Public Gauger

**AGENCY:** Customs Service, Treasury.

**ACTION:** Notice of Revocation.

**SUMMARY:** Pursuant to § 151.43(b), Customs Regulations (19 CFR 151.43(b)), Independent Surveyors of Petroleum, Inc., Post Office Box 2175, Port Arthur, Texas, 77640, was approved to gauge imported petroleum and petroleum products in the Customs Districts of Tampa, Mobile, New Orleans, Port Arthur, Laredo, and Houston-Galveston on December 12, 1983. Notice of this approval was published as T.D. 83-264 in the Federal Register of December 15, 1983 (48 FR 55799), and in the Customs Bulletin of December 28, 1983. To be approved and to keep approval in force, each public gauger must maintain a valid Customs bond in effect and must

notify Customs, in writing, within 60 days of any change in name, address, ownership, or financial condition. Customs tried to get in touch with Independent Surveyors of Petroleum, Inc., several times to ask it to replace its obsolete bond with a Customs Form 301 bond as required by §§ 151.43(b)(6) and 113.67 of the Customs Regulations (19 CFR 151.43(b)(6) and 113.67) but has been unable to do so. After exhausting all feasible means to locate Independent Surveyors of Petroleum, Inc., Customs has been unable to get in touch with them or determine if they are still in business.

Accordingly, the approval of Independent Surveyors of Petroleum, Inc., to gauge imported petroleum and petroleum products is revoked.

**EFFECTIVE DATE:** April 18, 1986.

**FOR FURTHER INFORMATION CONTACT:** Rober J. Crain, Technical Services Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, DC 20229 (202-566-2446).

Dated: April 18, 1986.

Roger J. Crain,

Chief, Technical Section, Technical Services Division.

[FR Doc. 86-9195 Filed 4-23-86; 8:45 am]

BILLING CODE 4820-02-M

### Importation of Tuna and Tuna Products From Costa Rica Prohibited

**AGENCY:** Customs Service, Department of the Treasury.

**ACTION:** General notice.

**SUMMARY:** This notice is to advise that under the Fishery Conservation and Management Act of 1976 ("the Act"), the Secretary of State has certified to the Secretary of the Treasury that a U.S. fishing vessel, while fishing in waters

beyond any foreign nation's territorial sea, to the extent that such sea is recognized by the U.S., was seized by Costa Rica as a consequence of a claim of jurisdiction which is not recognized by the U.S. Pursuant to section 205(b), of the Act, the Secretary of the Treasury has determined that the entry for consumption or withdrawal from warehouse for consumption of tuna and tuna products from Costa Rica is prohibited until the Department of State notifies the Secretary of the Treasury that the reasons for this prohibition no longer prevail.

**EFFECTIVE DATE:** This prohibition is effective as to tuna and tuna products from Costa Rica imported on or after April 24, 1986. Such importation shall not be entered for consumption or withdrawn from warehouse for consumption on or after that date.

**FOR FURTHER INFORMATION CONTACT:** Harrison C. Feese, Commercial Law Enforcement Branch, Commercial Compliance Division, Office of Trade Operations, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229 (202-566-8651).

### SUPPLEMENTARY INFORMATION:

#### Background

Section 205(a)(4)(C) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), provides that the Secretary of State shall certify to the Secretary of the Treasury any determination that a fishing vessel of the U.S., while fishing in waters beyond any foreign nation's territorial sea, to the extent that such sea is recognized by the U.S., has been seized by a foreign nation as a consequence of a claim of jurisdiction not recognized by the U.S.

Pursuant to section 205(b) of the Act, upon receiving this certification, the Secretary of the Treasury is required to take such action as may be necessary and appropriate to prohibit the importation of all fish and fish products from the fishery involved.

Section 205(c) of the Act provides that if the Secretary of State finds that the reasons for the import prohibition under section 205 no longer prevail, the Secretary of State shall notify the Secretary of the Treasury, who shall promptly remove the import prohibition.

On January 29, 1986, the Evelyn Da Rosa, a fishing vessel of the U.S., was seized by authorities of the government of Costa Rica approximately 50 miles off the coast of Costa Rica for fishing for tuna without the authorization required by Costa Rican law. Costa Rica claims jurisdiction over tuna within 200 miles of



its coast. The U.S. does not recognize this jurisdiction.

Pursuant to section 205(a) of the Act, on March 10, 1986, the Secretary of State certified the seizure of this vessel as meeting the requirements of section 205(a)(4)(C) of the Act.

#### Determination

Under the authority of section 205 (b) and (c) of the Fishery Conservation and Management Act of 1976, the Secretary of the Treasury has determined that the entry for consumption or withdrawal from warehouse for consumption of tuna and tuna products from Costa Rica (the "country of origin") is prohibited until the Department of State notifies the Secretary of the Treasury that the reasons for this prohibition no longer prevail. Tuna and tuna products processed in Costa Rica to any extent, will be considered tuna or tuna products from Costa Rica. At this time, this prohibition does not extend to in-bond shipments to and through the U.S.

#### Drafting Information

The principal author of this document was John E. Doyle, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: April 11, 1986.

Francis A. Keating, II,

Assistant Secretary of the Treasury.

[FR Doc. 86-9236 Filed 4-23-86; 8:45 am]

BILLING CODE 4820-02-M

## VETERANS ADMINISTRATION

### Agency Forms Under OMB Review

**AGENCY:** Veterans Administration.

**ACTION:** Notice.

The Veterans Administration has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains

requests for five extensions and one revision. The following information is listed for each: (1) The department of staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) how often the form must be filled out, (5) who will be required or asked to report, (6) an estimate of the number of responses, (7) an estimate of the total number of hours needed to fill out the form, and (8) an indication of whether section 3504(h) of Pub. L. 96-511 applies.

**ADDRESSES:** Copies of the forms and supporting documents may be obtained from Nancy C. McCoy, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 389-2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-7316.

**DATES:** Comments on the information collection should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: April 18, 1986.

By direction of the Administrator.

Randall H. Bryant,

Executive Assistant to the Associate Deputy Administrator for Management.

#### Extension

1. Department of Veterans Benefits
2. Statement of Holder or Servicer of Veteran's Loan
3. VA Form Letter 26-559
4. On occasion
5. Businesses or other for-profit
6. 18,000 responses
7. 3,000 hours
8. Not applicable

#### Extension

1. Office of Information Management and Statistics
2. Application of Service Representative for Placement on Veterans Administration Mailing List
3. VA Form 70-3215

4. On occasion
5. Individuals or households
6. 150 responses
7. 25 hours
8. Not applicable

#### Extension

1. Department of Veterans Benefits
2. Manufactured Home Appraisal Report
3. VA Form 26-8712
4. On occasion
5. Individuals or households; Businesses or other for-profit; Small businesses or organizations
6. 1,400 responses
7. 1 hour
8. Not applicable

#### Extension

1. Department of Veterans Benefits
2. Application for Total Disability Income Provision (Medical)
3. VA Form 29-1606
4. On occasion
5. Individuals or households
6. 60 responses
7. 90 hours
8. Not applicable

#### Extension

1. Department of Veterans Benefits
2. Declaration of Benefits Received and Waivers
3. VA Form 21-8951
4. On occasion
5. Federal agencies or employees
6. 16,000 responses
7. 800 hours
8. Not applicable

#### Revision

1. Department of Veterans Benefits
2. Eligibility Verification Report
3. VA Forms 21-4179, 21-4179-1, 21-8913 thru 21-8920, 21-8913-1 thru 21-8920-1, & 21-8983
4. Annually
5. Individuals or households
6. 2,070,000 responses
7. 414,000 hours
8. Not applicable

[FR Doc. 86-9193 Filed 4-23-86; 8:45 am]

BILLING CODE 8320-01-M



# Sunshine Act Meetings

Federal Register

Vol. 51, No. 79

Thursday, April 24, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## CONTENTS

Federal Elections Commission.....	Item 1
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1

### FEDERAL ELECTION COMMISSION

"FEDERAL REGISTER" NO.: 86-8155.

**PREVIOUSLY ANNOUNCED DATE AND TIME:**  
Thursday, April 17, 1986, 10:00 a.m.

**THE FOLLOWING ITEM HAS BEEN  
CONTINUED FROM THE MEETING OF APRIL  
1, 1986:** Draft AO 1986-9. The

Honorable Dan Daniel, U.S. House of  
Representatives

\* \* \* \* \*

**DATE AND TIME:** Tuesday, April 29, 1986,  
10:00 a.m.

**PLACE:** 999 E Street, NW., Washington,  
DC.

**STATUS:** This meeting will be closed to  
the public.

#### ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. Sec.  
437g

Audits conducted pursuant to 2 U.S.C. sec.  
437g, sec. 438(b), and Title 26, U.S.C.

Matters concerning participation in civil  
actions or proceedings or arbitration  
Internal personnel rules and procedures or  
matters affecting a particular employee

\* \* \* \* \*

**DATE AND TIME:** Thursday, May 1, 1986,  
10:00 a.m.

**PLACE:** 999 E Street, NW., Washington,  
DC (Ninth Floor).

**STATUS:** This meeting will be open to the  
public.

#### MATTERS TO BE CONSIDERED:

Setting of Dates of Future Meetings  
Correction and Approval of Minutes

Draft AO 1986-10—Israel Associates

Draft AO 1986-14—Honorable Dan Burton  
Clearinghouse Advisory Panel Appointments  
Routine Administrative Matters

#### PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Information Officer,  
202-376-3155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 86-9312 Filed 4-23-86; 3:33 pm]

BILLING CODE 6715-01-M







# Federal Register

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Thursday  
April 24, 1986

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## Part II

### Office of Personnel Management

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Senior Executive Service Positions That  
Were Career Reserved During 1985



# OFFICE OF PERSONNEL MANAGEMENT

## Senior Executive Service Positions That Were Career Reserved During 1985

**AGENCY:** Office of Personnel  
Management.

**ACTION:** Notice.

**SUMMARY:** As required by the Civil Service Reform Act of 1978, this gives notice of all positions in the Senior Executive Service (SES) that were career reserved during 1985.

**FOR FURTHER INFORMATION CONTACT:** Charles Vaughn, Office of Executive Personnel, (202) 632-4625.

**SUPPLEMENTARY INFORMATION:** Below is a list of titles of SES positions that were career reserved any time in calendar year 1985, whether or not they were still career reserved on December 31, 1985. Section 3132(b)(4) of title 5, United States Code, requires that the head of each agency publish the list by March of the following year. OPM is publishing a consolidated list for all agencies.

U.S. Office of Personnel Management.

Constance Horner,

Director.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1985

Agency organization	Career reserved positions
<b>ACTION</b>	
Office of Assistant Director Compliance.	Inspector General.
Office of Assistant Director for Financial Management.	Asst Dir for Financial Management.
<b>Administrative Conference of the U.S.</b>	
Administrative Conference of the U.S.	Executive Director. General Counsel. Research Director.
<b>Advisory Council on Historic Preservation</b>	
OFC of the Exec Director.	Executive Director.
<b>Department of Agriculture</b>	
OFC of the Inspector General.	Asst Inspector General for Investigation. Dep Asst Inspector General for Investigation. Asst Inspector General for Audit. Asst Inspector General for Sec & Spec Oper. Asst Inspector General for Analysis and Eval.
Office of Operations.....	Director Office of Operations.
Farmers Home Administration.	Dep Adm-Financial and Administrative Oper. Asst Admin, Accounting & Dir, Finance Ofc. Asst Dep Admin for Automated Sys Development. Asst Admin for Planning, Budgeting & Finance. Asst Adm. Community and Business Programs.
Agricultural Marketing Service.	Deputy Administrator, Management. Director, Fruit & Vegetable Division. Director, Cotton Division.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Animal & Plant Health Inspection Service.	Director, Dairy Division. Director, Livestock Division. Director, Warehouse & Seed Division. Director, Tobacco Division. Agricultural Marketing Svc. Dir Poultry Div. Assoc. Deputy Administrator for Compliance. Director. Deputy Administrator for Management & Budget. Assoc. Dep Administrator for Mgt. & Budget.
Veterinary Services.....	Asst Dep Adm: R-Animal Health Progs-Vet Serv. Asst Dep Adm, Innat Prog. Vet Services. Dir Natl Veterinary Services Labs, Ames. Dir, Nat Prog Planning Staffs, Vet Services. Director, Northern Region. Dir, SE Region, Veterinary Services. Dir, Natl Brucellosis Eradication Program. Director, Western Region. Director, South Central Region. Director, North Central Region. Assistant Deputy Administrator. Dir, Nat Prog Plan Staff, Plant Prot & Quarantine. Assist Dep Admin for Natl & Emergency Progr. Assist Dep Admin for International Programs. Director Northeastern Region. Director, South Central Region. Director Western Region. Assistant to Director. Asst Dep Admin, National & Emergency Programs. Director, Southeastern Region. Asst Deputy Admin Technical Services. Dep Adm-Administrative Mgmt. Dir Northeast Region, Phila., PA. Regl Director, Atlanta Georgia. Dir, North Central Region, Des Moines, Iowa. Director, Southwestern Region, Dallas, Texas. Dir, Western Region, Alameda, California. Asst Dep Adm Comp & Staff Operations. Asst Deputy Admin Regional Operations. Assistant Deputy Adm Science FSQS. Asst Dept Admin (Admin Mgt). Deputy Administrator, Science. Dep Adm Internl Programs. Asst Dep Adm Administrative Management. Deputy Admin for Financial Management. Deputy Adm for Management. Accounting Officer.
Plant Protection & Quarantine Service.	
Food Safety and Inspection Service.	
Food & Nutrition Service.	
Agricultural Stabilization & Conservation Service.	
Foreign Agricultural Service.	Asst Administrator, Management. Dir, Grain & Feed Div. Dir, Oilseeds & Prod Div. Deputy Assistant Administrator Export Credits. Dep Asst Adm, Internl Agric Statistics. Dep Adm for Adm Mgmt. Assoc. Dep Admin for Administrative Management. Asst Adm for Cooperative Interactions.
Agriculture Research Service.	Deputy Administrator National Program Staff. Assoc. Dep Adm. Assoc. Dep Adm, Natl Prog Staff.
National Program Staff Office.	

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Beltsville Area Office.....	Dir, Beltsville Human Nutrition Research Ctr. Director, Northern States Area. Director Beltsville Area Office. Director, Eastern Regl Research Center. Dir, Plum Island Animal Disease Ctr. Director, North Atlantic Area. Research Leader-Forage and Turf Research. Res Leader-Plant Physio & Photosynthesis Res. Director South Atlantic Area. Dir. Northern Regional Research Center. Chief Fermentation Laboratory. Director, Natl Soil Erosion Res Laboratory. Dir Midwest Area.
North Atlantic Area Office.	Dir, Southern Regional Res Center, New Orleans. Director, Mid-South Area. Dir, Grand Forks Human Nutrition Res Ctr. Director Northern States Area. Dir, Natl Animal Disease Ctr. Research Leader, Wheat Research. Director Central Plains Area. Director, Southern Plains Area. Director Conservation & Production Res Lab. Director, USDA Honey Bee Research Laboratory. Director Mountain States Area. Director, Northwest Region.
South Atlantic Area Office.	Director, Western Regional Research Center. Research Leader-Fruit & Vegetable Chem Research. Director, U.S. Salinity Laboratory. Res Leader Natural Products Chemistry Res. Dir, Western Human Nutrition Research Center. Dir Pacific Basin Area. Director, Plant Gene Expression Center.
Midwest Area Office.....	Deputy Admin Management. Dep Adm, Home Economics & Human Nutrition. Dep Admin Natural Resources and Rural Dev.
MidSouth Area Office.....	Administrator, Ofc of Grants & Prog Systems. Director Engineering Division. Dir Ecological Sciences and Technology Divisi. Dep Chf for Administration. Dir, Conserv Planning and App. Dir, Project Dev and Maint. Dir, Basin & Area Planning (Soil Conserv). Assoc. Dep Chief for Administration. Dir, Soils (Soil Scientist). Dir, Land Treatment Program. Dir Information Resources Management. Dir South National Technical Center. Special Asst for Science & Technol. Dir Midwest National Technical Center.
Northern States Area Office.	Dep Chf for Administration. Associate Deputy Chief-Administration. Dir Forest Pest Mgmt Staff. Dir Fiscal and Accounting Management. Director, Cooperative Fire Protection. Associate Deputy Chief for Administrator.
Central Plains Area Office.	
Southern Plains Area Office.	
Mountain States Area Office.	
Northwest Area Office.....	
Pacific Basin Area Office.	
Extension Service.....	
Office of Grants and Program Systems.	
Soil Conservation Service.	
Forest Service.....	



POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Research.....	Director, Timber Mgmt Research Staff. Dir Insect and Disease Research Staff. Dir Forest Environment Research Staff. Director, Forest Resource Economics Staff. Dir Forest Prod & Harvesting & Research Staff. Dir, Forest Fire & Atmos Sciences Res Staff.
Natl Forest System.....	Dir, Range Management Staff. Dir, Recreation, Mgmt Staff. Dir, Timber Management Staff. Director, Engineering Staff. Director, Aviation and Fire Management Staff. Director, Lands Staff. Dir Land Management Planning Staff. Dir, Wildlife & Fisheries Mgt Staff. Dir, Minerals & Geology Staff. Dir, Watershed Mgt Staff. Dir of Area Planning & Dev Staff. Dir Cooperative Forestry. NE Area Dir, State & Private Forestry, U DARS. Dir Intermountain Forest & Range Exp Stat, OGD. Dir N Eastern Forest Experiment Station. Dir, North Central Forest Exp Station. Dir, Pacific NW Forest & Range Exp Station. Dir, Pacific SW For & Range Exper Sta. Director Rocky MT Forest & Range Exper Stat. Dir S Eastern Forest Experiment Station. Dir, S. Forest Experiment Station, New Orleans. Director, Forest Products Laboratory. Dep Dir Forest Products Lab. Admr, Economic Research Service. Associate Administrator-Economic Resch Svc. Director International Economics Division. Director National Economics Division. Dir, Natural Resource Economics Div. Director, Economic Development Division. Dep Admr/Planning & Organizational Relations. Director, Economics Management Staff. Administrator Srs. Dep Administrator, Statistical Reporting Svc. Dir Estimates Div. Director Survey Division. Director Statistical Research Division. Director State Statistical Division. Chairperson. Dep Chairperson.
Economic Research Service.	
Economics Management Staff, Statistical Research Service.	
World Agricultural Outlook Board.	
Board for International Broadcasting	
Board Staff.....	Exec Director. Financial Manager. Foreign Information Officer. Foreign Information Officer.
Department of Commerce	
Office of the General Counsel.	Dep Asst. GC for Administration. Asst General Counsel for Finance & Litigation. Dir, Ofc of Information Resources Management.
Director for Management and Information.	

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Director for Procurement & Administrative Services.	Dep Dir for Procurement & Admin Services. Dir Ofc of Adm Serv. Dir, Ofc of Admin Services Operations. Director for Personnel and Civil Rights. Deputy Director of Personnel. Director, Office of Budget.
Director Personnel and Civil Rights.	
Director for Planning Budget and Evaluation.	
Ofc of the Under Secy for Economic Affairs.	Dep Dir Bureau of Industrial Economics. Statistical Coor for the Asst Sec for Eco Aff. Dir Office of Business Analysis. Supervisory Economist. Director. Dep Dir, Bur of Economic Analysis. Assoc Dir for Natl Economic Accounts. Assoc Dir for Natl Analysis & Projections. Assoc Dir for Regional Economics. Assoc Dir for Internat: L Economics. Chief Economist. Chf Statistician. Asst to the Director for Economics. Chf, Nat: L Income & Wealth Div. Chief, Current Business Analysis Div. Chief, Business Outlook Div. Assistant to the Director for Measurement.
Bureau of Economic Analysis.	
Bureau of the Census.....	Dep Dir. Asst Dir for Computer Services. Chief Data User Services Division. Chief, Technical Services Division. Assoc Dir for Management Services. Senior Program Analyst. Asst Dir for Administration. Chief Counsel. Chief, Computer Services Division. Associate Director for Demographic Fields. Asst Dir for Demographic Censuses. Chf, Population Div. Chf, Statistical Methods Div. Chief Demographic Surveys Division. Asst Dir for International Programs. Chief, Decennial Planning Division. Assoc Dir for Statistical Standards & Method. Chief Statistical Research Division. Assoc Dir for Field Operations. Chf, Geography Div. Chief, Field Div. Chief Data Preparation Division. Associate Director for Economic Fields. Asst Dir for Economic & Agric Censuses. Chief, Agriculture Div. Chf, Business Div. Chf, Construction Statistics Div. Chf, Econ Surveys Div. Chf, Foreign Trade Div. Chf, Government Div. Chf, Industry Div. Chief Center for Economic Studies. Asst Dir for Economic Surveys. Assoc Admr for Telecommunications Science. Deputy Dir for Systems & Networks. Special Technology Liaison. Deputy Director for Spectrum. Dir, Ofc of Public Works. Spec Asst for Indian Affairs. Director, Ofc of Plan, Techn Asst, Res & Eval.
Demographic Fields.....	
Statistical Standards and Methodology.	
Field Operations.....	
Economic Fields.....	
Institute for Telecommunications Sciences.	
Economic Development Administration.	

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Ofc of the Inspector General.	Assistant Inspector General for Auditing. Assistant Inspector General for Investigations. Deputy Assistant Inspector Gen for Auditing. Asst Inspector Gen for Planning & Evaluation. Technical Advisor to the Inspector General. Counsel to the Inspector General. Technical Advisor to the Inspector General. Asst Inspector General for Auto Info Sys. Dir, Ofc of Special Industrial Machinery.
Ofc Dep Asst Secy for Cap Goods & Intl Const.	
Ofc of Dep Asst Secy for Basic Industries.	Dir, Ofc of Metals, Minerals & Commodities.
Ofc of Dep Asst Secy for Automotive Aff & Cons Gds	Director Office of Consumer Goods.
Office of Budget and Finance.	Director, Office of Budget and Finance. Dep Dir, Office of Budget and Finance. Chief, Personnel Division.
Office of Administrative & Management Services.	
National Marine Fisheries Service.	Chief, Management and Budget Staff. Director, Northeast Region. Director, Southeast Region. Director, Northwest Region. Director, Alaska Region.
Regional Offices.....	
Fisheries Centers.....	Dir NE Fisheries Ctr. Dir-SE Fisheries Ctr. Dir SW Fisheries Center. Dir NW & Alaska Fisheries Ctr. General Physical Scientist.
Natl Environ Satellite, Data & Info Services.	Chief, Systems Planning & Development Staff. Chief Satellite Experiment Laboratory.
Deputy Asst Admr for Satellites.	Dir, Natl. Oceanographic Data Center.
Dep Asst Admr for Information Services.	Dir, Assessment and Information Services. Deputy Director. Director, National Climatic Data Center. Dir, National Geophysical Data Center.
Office of Sea Grant & Extramural Programs.	Dep Dir, Ofc of Sea Grant & Extramural Progr.
Environmental Research Laboratories.	Dep Dir, Environmental Research Laboratories. Dir, Space Environmental Laboratory.
Atlantic Oceanographic and Meteorological Labs.	Dir, Atlantic Oceanographic & Meteorological. Depy Dir Atlantic Oceanographic & Meteorologi.
Wave Propagation Lab.....	Director.
Aeronomy Lab.....	Director, Aeronomy Laboratory. Senior Scientist/Deputy Director. Director. Supervisory Rsch Meteorologist.
Geophysical Fluid Dynamics Laboratories.	Supervisory Rsch Meteorologist. Supervisory Rsch Meteorologist. Dir Great Lakes Environmental Research Lab.
Great Lakes Environmental Research Lab.	
National Severe Storms Laboratory.	Dir Nat'l Severe Storms Lab.
Air Resources Laboratory.	Director Air Resources Laboratory.
Pacific Marine Environmental Lab.	Dir Pacific Marine Environmental Lab. Chf Scientist. Special Assistant to the Chief Scientist.
Ocean Services & Coastal Zone Management.	Spec Asst to Dir Ofc of Ocean & Coastal Res.
Ocean and Coastal Resources Management.	Dir, National Marine Pollution Programs Ofc.



POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Oceanography & Marine Services.	Chief, Ocean Systems Division. Chief, Ocean Resources Assessment Division. Chief, Ocean Services Division. Chief, Ocean Requirements & Data Anal Div.
National Ocean Service...	Dir Geodetic Research & Development Lab. Assoc Dir Ofc of Aeronautical Charting & Cart. Chief Geodesist.
National Weather Service.	Dep Dir-National Weather Service. Director, NOAA Data Buoy Office. Chief, International Affairs Staff. Dir, Nexrad Joint Systems Program Ofc. Chief, Management and Budget Staff. Chf, External Relat & Indus Meteorology Staff. Chf, Ofc of the Fed Coordinator for Meteorolgy. Chief, Policy and Long Range Planning Staff.
Office of Meteorology.....	Dir, Office of Meteorology. Chief Operations Division. Chf, Prog Requirements & Ping Division.
Office of Hydrology.....	Director, Office of Hydrology. Chief, Hydrologic Services Division. Chief, Hydrologic Research Laboratory.
Office of Technical Services.	Dir, Ofc of Technical Services. Chf, Communications Division. Chief, Engineering Division. Chief AFOS Operations Division.
Office of Systems Development.	Director, Office of Systems Development. Chief, Integrated Systems Laboratory. Chief, Techniques Devel Laboratory. Chief, Advanced Systems Laboratory.
National Meteorological Ctr.	Director National Meteorological Center. Deputy Director. Chief, Climate Analysis Center. Chief, Automation Division. Chief, Development Div. Chf-Forecast Division.
Regional Offices & Centers.	Dir Southern Region, Ft Worth. Dir, Salt Lake City Region. Dir, Alaska Region, Anchorage. Dir Eastern Region Nws. Director Central Region. Dir, Natl Severe Storms Forecast Center.
National Bureau of Standards.	Director, Nat'l Hurricane Center. Assoc Dir for International Affs. Tech Advisor to the Director. Chief, Program Office. Director, Planning Ofc. Assoc Dir for Programs, Budget, and Finance. Deputy Dir Office of Product Standards Policy.
National Measurement Lab.	Senior Science Advisor. Senior Mathematical Statistician. Associate Director for Planning. Group Leader Surface and Structure Kinetics. Chief, Molecular Spectroscopy Division. Chief Inorganic Analytical Research Division. Chief Gas and Particulate Science Division.
Deputy Director for Programs.	Deputy Director for Programs. Chief, Ofc of Environmental Mgmts. Director, Standard Reference Data. Prog Manager, Industrial Process Data. Director, Measurement Services.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Center for Basic Standards.	Director, Center for Basic Standards. Senior Research Fellow. Chief, Electricity Division. Mgr. Tech Applications of Measurement Stds.
Quantum Physics Division.	Chf, Quantum Physics Div (Ctr for APQ). Sr Sci & Fellow of JILA. Senior Research Scientist. Senior Scientist, Boulder. Sr Scientist & Fellow of JILA. Senior Scientist-Fellow of JILA. Group Leader & Senior Scientist.
Time and Frequency Division.	Director-Center for Analytical Chemistry. Group Leader, Laser Analytical Chemistry. Deputy Director, Ctr for Analytical Chemistry. Scientific Asst to the Dir Ctr for Analytical.
Center for Analytical Chemistry.	Dir Center for Radiation Research. Dep Dir, Ctr for Radiation Research.
Center for Radiation Research.	Chf Atomic & Plasma Radiation Div. Chf-Radiation Source & Instrumentation Div. Chief Radiometric Physics Division.
Ionizing Radiation Division.	Chief Nuclear Radiation Div. Physicist, (Nuclear). Principal Scientist Radiation Physics Div.
Center for Radiation Research.	Physicist (Nuclear). Prin Scientist in X-Ray Physics. Group Leader for Far Ultraviolet Physics.
Institute for Materials Science & Engineering.	Dir Institute for Materials Science & Eng. De Dir, Institute for Materials Science & Eng. Senior Scientist. Group Leader for Fibrous Systems.
Fracture and Deformation Division.	Chf, Ofc of Nondestructive Evaluation. Chief, Metallurgy Div. Scientific Assistant to the Director. Chf Fracture and Deformation Division.
Ceramics Glass and Solid State Science Division.	Group Leader Mechanical Properties. Chief Inorganic Materials Division. Group Leader for Crystallography. Grp Leader for Glass Tech Inorganic Materl Div.
Polymer Science and Standards Division.	Physicist (Solid State).
Reactor Radiation Division.	Chf, Reactor Radiation Div. Group Leader Neutron Condensed Matter Science.
Center for Chemical Physics.	Director Center for Chemical Physics. Deputy Director, Center for Chemical Physics. Quantum Chemistry Group Leader. Group Leader for Environ Chemical Process.
National Engineering Lab.	Chief, Surface Science Div. Assoc Dir for Technical Evaluation. Group Leader Equation of State. Chief, Office of Sponsored Programs.
Center for Fire Research.	Deputy Director for Nel Programs. Director-Center for Fire Research. Chief, Fire Safety Technology Division. Chief, Fire Measurement & Research Division. Chief, Office of Fire Research Resources.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Center for Building Technology.	Director-Center for Building Technology. Deputy Director, Center for Building Tech. Chief, Structures Division. Chief, Building Physics Division. Chf, Building Materials Div. Chief, Building Equipment Division. Dir Center for Manufacturing Engineering.
Ctr for Mechanical Engring & Process Technology.	Chief, Automated Production Technology Div. Chief, Mechanical Production Metrology Div. Manager Ofc of Auto Manufacturing Tech Transf.
Center for Applied Mathematics.	Chief, Industrial Systems Division. Chf, Thermophysical Properties Div. Director, Center for Applied Mathematics. Deputy Director. Chf, Statistical Engineering Division. Chief, Scientific Computing Division. Assoc Dir for Computing. Chief, Operations Research Division.
Center for Electronics and Electrical Engring.	Dir-Ctr for Electronics & Electrical Engineer. Deputy Director. Chf, Electrosystems Division. Chf-Electromagnetic Technology Division. Senior Research Scientist. Chief, Semiconductor Materials & Proc Div. Dep Dir, Ctr for Electronics & Electrical Eng.
Center for Field Methods.	Chief, Semiconductor Devices & Circuits Div. Chief, Electromagnetic Fields Division. Chief, Semiconductor Electronics Division.
Center for Chemical Engineering.	Deputy Director Ctr for Chemical Engineering. Director Center for Chemical Engineering. Chief, Thermophysics Division. Dir Center for Programming Science & Techn.
Inst for Computer Sciences and Technology.	Dir Center for Computer Systems Engineering. Chief, Systems & Network Architecture Div. Chief, System Components Division. Chief, Information Systems Engineering Div.
Patent and Trademark Administration.	Asst Commissioner for Finance and Planning. Assistant Commissioner for External Affairs. Adm'r for Documentation. Spec Asst to the Dep Asst Comm for Patents.
Office of Assistant Commissioner for Patents.	Group Director 110. Group Director 120. Group Director for 130. Group Director 150. Group Director for 260. Group Director 210. Group Director for 220/290. Group Director 230. Group Director 240. Group Director 250. Group Director 310. Group Director 320. Group Director 330. Group Director 340. Group Director 350.
Chemical.....	Chairman, Trademark Trial & Appeal Board. Deputy Assistant Commissioner for Trademarks. Chairman.
Electrical.....	
Mechanical.....	
Office of Assistant Commissioner for Trademarks.	
Board of Patent Interferences.	



POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
<b>Commodity Futures Trading Commission</b>	
Office of the General Counsel.	Assoc Gen Counsel (Opinions & Review). Deputy General Counsel (Litigation). Deputy General Counsel (Reg & Adm). Dep Exec Dir.
Office of the Executive Director.	Dep Chf Economist.
Division of Economics Analysis.	Chf, Analysis Section. Associate Director for Surveillance.
Division of Enforcement.	Deputy Director (Western Operations). Deputy Director (Eastern Operations).
Division of Trading and Markets.	Deputy Director (Contract Markets). Chief Counsel.
<b>Consumer Product Safety Commission</b>	
Ofc of Executive Dir .....	Dir, Ofc of Prog Mgt. Director, Ofc of Budget, Prog Plan & Eval. Associate Executive Dir for Field Operations.
Office of AED for Epidemiology.	Associate Exec Dir for Epidemiology.
Ofc of AED for Compliance & Administrative Litigation.	Assoc Exec Dir for Compl & Admin Litigation.
Ofc of AED for Administration.	Assoc Exec Dir for Adm.
Ofc of the AED for Economics.	Associate Executive Director for Economics.
<b>Ofc Secy of Defense</b>	
Office of the Secretary .....	Asst to the Secy of Defense (Intel Oversight).
Ofc of Deputy Under Secy for Policy.	Dir, Counter Intel & Investigative Prog. Dir, Information Security.
Director Operational Test and Evaluation.	Dep Dir, Policy, Resources & External Affairs. Asst Dep Dir, Tactical & Elec Warfare Systems. Asst Dep Dir, Strategic, Space & C31 Systems.
Ofc of Inspector General.	Deputy Inspector General. Asst Inspector General for Audit Followup. Asst Inspector General for Investigations. Asst Inspector General for Management. Dir, Internal Audit Oversight & Evaluation. Dir, Contract & Ext O/Sight and Evaluation. Dep Asst Inspector Gen for GAO Reports Analy. Director Major Acquisition Programs. Director, Contract Audits. Asst Inspector General for Auditing. Asst Insp Gen for Criminal Invest Pol & Ovsht. Asst Inspector Gen for Audit Policy & Ovsht. Dep Inspector Gen Prog Plng, Review & Mgt. Asst Dep IG for Progr Planning, Review & Eval. Dep Asst Inspector General (Audit-Followup). Dep Asst Inspector General for Auditing. Dir Financial Manpower & Security Asst Audits. Dep Asst Inspector Gen for Investigations.
Defense Audit Service .....	Director, Defense Audit Service. Assoc Director-Special Program Audits.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
	Assoc Dir Intelligence and Communications Aud. Assoc Dir, Systems & Logistics Audits. Assoc Dir, Resources & Overseas Audits. Assoc Dir Financial Mgmt and Manpower Audits. Dir Personnel Management. Deputy Director for Labor Management Relation. Dep Dir Compensation & Overseas Empty Policy. Director, Accession Policy.
Ofc Dep Asst Sec (Civilian Personnel Policy & Req).	
Ofc of Dep Assist Secy (Force Management & Personnel).	Dir for Civilian Equal Opportunity Programs.
Office of Dep Assistant (Ed & Safety).	Dir DOD Dependents Schools.
Ofc of Dir of DOD Dependents Schools.	Dir Pacific Region Dodds Director, Germany Region. Assistant Director for Engineering.
ODASD (Mobilization Planning & Requirements).	
Office Assistant Sec Health Affairs.	Dir, Def Enrolmnt Eligibil Reptng Sys (DEERS). Dir, Defense Medical Systems Support Center. DAS of Defense for Medical Resource Adm. Dir, Freedom of Information & Security Review.
Office of Assistant Secretary, Public Affairs.	Assistant for Planning.
Ofc of Dep Dir (Theater Assessments & Planning).	
Ofc of Dep Director (Strategic Programs).	Dir Strat Def and Theater Nuclear Forces Div.
Washington Headquarters Services.	Director of Personnel and Security.
DASD Contract Audit Cost Control.	Dep Comptroller for Audit Policy.
Ofc of Under Secretary for Research and Engineering.	Asst Under Secy of Def (Plans & Devel). Spec Asst for Assessment & Exec Officer—DSB. Director, Program Control and Administration. Asst U/S of Def (Conv in) & Dir Conv in Prog. Special Assistant for Resource Planning. Deputy Director Weapon Support.
Ofc of Asst Secy (Acquisition & Logistics).	
Ofc of Dep Under Secy (International Programs and Tech).	Asst Dep Under Secy of Def (Internal Progs). Special Assistant for Technology Transfer. Director, NATO Affairs. Dir Far East & Southern Hemisphere Affairs. Asst Dep Under Secretary of Defense. Spec Asst for Internl Coop Matters & S T E. Asst Dep Under Secy of Def, DASD (Production Support). Dir Standardization & Acquisition Support. Dir Industrial Resources. Dir Industrial Productivity. Dep Asst Sec of Defense (Procurement). Director Cost Pricing and Finance. Dir, Defense Acquisition Regulatory Systems. Director Major Systems Acquisition. Dir DOD Contract Studies & Mgmt Spt Services. Director Contract Policy. Director Contract Administration. Chairman, Defense Acquisition Subcouncil. Dir, Contract Policy and Administration.
Ofc of the Deputy Asst Secretary (Production Support).	
Office of the Deputy Asst Secretary (Procurement).	

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Office of the Director Test and Evaluation.	Dep Dir (Strategic & Naval Sys Div). Dep Dir for Test Facilities and Resources. Staff Spec for Strategic & Naval Warfare Sys. Dir, Very High Speed Integrated Cir & Elec De.
Ofc of Dep Under Secy for Research and Advanced Tech Ofc-Dir-Engineering Technology.	
Ofc-Dir-Engineering Technology.	Dir (Engineering Technology). Staff Specialist for Vehicle Propulsion. Staff Specialist for Materials & Structures. Staff Specialist for Weapons Technology. Staff Specialist for Directed Energy Weapons. Staff Spec/Mobility, Logistics & Adv Concepts. Staff Spec for Elec Warfare and Target Acq. Staff Specialist for Search and Surveillance. Dir Environmental & Life Sciences.
Ofc-Dir-Electronics and Physical Sciences.	
Ofc-Dir-Environmental Life and Sciences.	
Ofc-Dir-Rsch and Technical Info.	Dir, Research & Technical Information Ofc. Staff Specialist for Research.
Ofc of Computer Software and Systems.	Director, Computer Software and Systems. Staff Specialist for Software Tech (A&RS).
Ofc of the Dir, Offensive and Space Systems.	A/D Under S/D (Offensive & Space Systems). Staff Specialist for Space & Advanced Systems. Staff Spec for Techn & Analysis (Off Sys).
Ofc-Dir-Defensive Systems.	A/D Under S/D (Defensive Systems). Staff Spec for Early Warn, Air Def & At Asses. Staff Spec for Ball Missile Def Sys.
Ofc Dir Strat Aero & Theat Nuc Sys.	A/D Under S/D (Strategic Aeron & Theat Nuc Sys).
Ofc-Dir-Start & Arms Control Office.	A/D Under S/D (Start & Arms Control).
Ofc-Dir-Land Warfare .....	Asst Dep Under Secy of Def (Land Warfare). Staff Specialist for Ground Air Defense Sys.
Ofc Dir Air Warfare .....	Asst Dep Under Secy of Def (Air Warfare). Staff Spec for Interdiction/Naval Strike. Staff Spec, Close Air Sup/Battlefield Int.
Ofc of Director-Naval Warfare.	Asst Dep Under Secy of Def (N W and Mobility). Staff Specialist for Antisub & Mine Systems. Stf Spec for Naval Proj & Anti-Air Systems.
Office of Mobility and Special Projects.	Staff Specialist for Air Mobility. Staff Spec Intertheater & Intertheater Mobil. Staff Specialist for Propulsion.
Office of Munitions .....	Director, Office of Munitions.
Office of Dep Asst Secy of Defense (C3).	Staff Spec for Switched & Spec Purpose Comm S. Staff Specialist for Tactical Command & Contr.



POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
	<p>Dir Long-Range Planning &amp; Sys Evaluation.</p> <p>Director, Information Systems.</p> <p>Dir Theater &amp; Tactical Commun Command &amp; Contr.</p> <p>Dir Strategic &amp; Theater Nuclear Forces C3.</p> <p>Director C3 Resources.</p> <p>Assistant Director, Electronic Combat Systems.</p> <p>Dir Special Warfare Systems.</p> <p>Asst Director, Special Operations Technology.</p> <p>S/A to the Dir, CPSI for Satellite Com sys.</p> <p>S/A to the Dir, CPSI for NATO &amp; Intern'l C3.</p> <p>Asst Dir for Prog Development &amp; Coordination.</p> <p>Special Asst to the Director Ctr for C3.</p> <p>Spec Asst for C3 Mobilization.</p> <p>Director, Tactical Intelligence Systems.</p> <p>Director National Intelligence Systems.</p> <p>Staff Specialist for Combat Systems Analysis.</p> <p>Sr Scientist for Natl Intelligence Systems.</p> <p>Senior Scientist for Tactical Intel Systems.</p> <p>Director, Intelligence Resources.</p>
Office of Dep Asst Secy of Defense (Intelligence).	<p>Deputy Director for Research.</p> <p>Deputy Director for Technology.</p> <p>Special Assistant to the Director, DARPA.</p> <p>Deputy Director, DARPA.</p> <p>Dir-Tactical Technology Office.</p> <p>Dep Dir Tactical Technology Office.</p> <p>Assistant Director for Air Warfare.</p> <p>Assistant Director for Land Warfare.</p>
Ofc of Asst Dep Under Secy of Def (Systems Integration).	
Defense Advanced Research Projects Agency.	
Tactical Technology Office.	
Information Processing Techniques Office.	<p>Dir, Information Processing Techn Ofc.</p> <p>Assistant Director, Electronics Sciences.</p> <p>Assistant Director for Computer Science.</p> <p>Deputy Director IPTO.</p> <p>Dir, Engineering Applications Office.</p> <p>Deputy Director, Engineering Applications Ofc.</p> <p>Asst Dir for Applications.</p> <p>Dir Defense Sciences Office.</p> <p>Assistant Director for Materials Sciences.</p> <p>Assistant Director for Geophysical Sciences.</p> <p>Assistant Director Systems Sciences.</p> <p>Asst Dir for Advanced Systems Technology.</p>
Strategic Technology Office.	<p>Dir-Strategic Technology Office.</p> <p>Dep Dir, Strategic Techn Ofc.</p> <p>Asst Dir for Advanced Systems Research.</p>
Directed Energy Office....	<p>Dep Dir for Laser &amp; Particle Beam Technology</p>
Office of the Joint Chiefs of Staff.	<p>Scientific and Technical Advisor to the Chief.</p> <p>Dep Joint Requir Integrat Mgr Sci Tech Adv.</p>
Strategic Defense Initiative Organization.	<p>Asst Dir for Concepts &amp; Integration.</p> <p>Asst Dir for Technology.</p> <p>Assistant Director for Interceptors.</p> <p>Assistant Director for Technology.</p> <p>Asst Dir for Syst Concepts &amp; Architecture.</p> <p>Asst Dir for Sensors Demonstrations.</p> <p>Assistant Director for Sensor Technology.</p> <p>Asst Dir for Intelligence.</p>

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Defense Contract Audit Agency.	<p>Director, DCAA.</p> <p>Deputy Director DCAA.</p> <p>Asst Dir Operations &amp; Professional Dev.</p> <p>Asst Dir Policy &amp; Plans.</p> <p>Director Field Detachment.</p> <p>Regional Director, Atlanta.</p> <p>Regional Director, Boston.</p> <p>Regional Director, Chicago.</p> <p>Regional Director, Los Angeles.</p> <p>Regional Director, Philadelphia.</p> <p>Regional Director, San Francisco.</p> <p>Special Asst for Integrity in Contracting.</p> <p>Dep Exec Dir, Quality Assurance.</p>
Regional Managers.....	<p>Staff Dir Small &amp; Disadvantaged Business Util.</p>
Defense Logistics Agency.	<p>Staff Director, Personnel.</p> <p>Deputy Staff Director, Personnel.</p> <p>Chief, Adp &amp; Telecomm Technology Division.</p> <p>Chief AIS Development &amp; Control Division.</p> <p>Executive Director, Contracting.</p> <p>Chief, Contracts Division.</p> <p>Chf Property Disposal Div.</p>
Off of Exec Dir, Qual Assurance, Oddcas.	
Ofc of the Staff Dir-Small & Disadvantaged Business Util.	
Office of Staff Director, Personnel.	
Ofc of Telecommunications & Information Systems.	
Exec Dir, Dia Contracting.	
Exec Dir, Dia, Tech & Logistics Services.	
Office of the Chief Engineer.	
National Communications System.	<p>Chief Engineer.</p> <p>Asst Mgr Ncs for Technology &amp; Standards.</p> <p>Deputy Manager National Communications System.</p> <p>Asst Mgr NCS Plans and Operations.</p> <p>Scientific Advisor for Operations Research.</p> <p>Deputy WWMCCS Engineer—Europe.</p> <p>Dep Dir, C3 Architecture &amp; Mission Analysis.</p> <p>Dir, Planning &amp; System Integration Center.</p>
Center for Command Control & Communications (C3) Sys.	
Organization Abolished....	<p>S/A to the Dir, CPSI/Strat &amp; Theat Nuc Forc.</p>
Defense Communications System Organization.	<p>Dep Dir Defense Comm System Organization.</p> <p>Deputy Director for DCS Integration.</p> <p>Chf Interoperability &amp; Standards Div.</p> <p>Associate Director for Integrated Sys Design.</p> <p>Deputy Director Switched Network Engineering.</p> <p>Associate Deputy Director, Switched Systems.</p> <p>Dir, Def Communications Engineering Center.</p>
Office of Comptroller.....	<p>Special Asst to the Compt for C3 Prog Asses.</p>
Joint Data Systems Support Center.	<p>Dep Dir, Command and Control Technical Center.</p> <p>Tech Dir, WWMCCS Adp Technical Supt Direct.</p> <p>Asst Dep Dir for Computer Services.</p> <p>Director, Joint Data Systems Support Center.</p> <p>Deputy Director NMCS Adp Directorate.</p> <p>Dep Dir, Strategic Connectivity Engr Dir.</p> <p>Assoc Dir NMCS/WWMCCS Engineering Integration.</p> <p>Dep Dir, Command &amp; Control Sys Organization.</p>
Command and Control Engineering Center.	
Natl Military Comd Syst Adp Directorate, CCTC.	<p>Asst Deputy Dir, NMCS Adp.</p> <p>Program Manager, Defense Switched Network.</p> <p>Dep Dir Mil Satellite Communications Systems.</p>
Military Satellite Communications Office.	
Office of the Director.....	<p>Dir, Acquisition Management Directorate.</p>

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Office of Deputy Director Science & Technology.	<p>Dep Dir (Science &amp; Technology).</p> <p>Scientific Asst to Dep Dir (Science and Tech).</p> <p>Asst to Dep Dir (Sci &amp; Tec) for Theoretical R.</p> <p>Asst to the Dep Dir (Experimental Res).</p> <p>Asst to the Dep Dir (Sci &amp; Tech) for Testing.</p> <p>Chf, Strategic Structures Division.</p> <p>Chf Aerospace Sys Div.</p> <p>Chief, Atmospheric Effects Division.</p> <p>Scientific Advisor to Director (AFRR).</p> <p>Tech Pro Mngtr for Nuclear Assessment Director.</p> <p>Chf, Electromagnetic Pulse Eff Div.</p> <p>Chief Lethality Hardening Division.</p> <p>Dep Dir for Systems &amp; Techniques.</p> <p>Dep Dir Mngmt &amp; Technology.</p> <p>Dep Dir for Progs, Prod &amp; Ops.</p> <p>Asst Dep Dir for Plans and Requirements.</p> <p>Chief, Advanced Technology Division.</p> <p>Staff Director of Personnel.</p> <p>Asst Deputy Dir for Programming.</p> <p>Asst Deputy Dir for Production and Distributi.</p> <p>Dir Spec Prog Ofc For Exploitation Modernizat.</p> <p>Associate Deputy Director For Hydrography.</p> <p>Dep Dir, Spec Prog Ofc Exploit &amp; Modernization.</p>
DMA Headquarters.....	<p>Tech Dir Dma Aero Center</p> <p>Tech Dir-DMA Hydrographic/Topographic Center.</p> <p>Dep Dir Prog Prod Oper DMA HTC.</p> <p>Dep Dir for Progs, Production and Operations.</p> <p>Dir DMA Ofc of Telecommunications Services.</p> <p>Dir, DMA special production program office.</p> <p>Dir Defense Investigative Service.</p> <p>Deputy Director (Investigations).</p> <p>Dep Dir (Industrial Security).</p>
DMA Field Activities.....	
Defense Investigative Service.	
Department of Air Force	
Office of the Secretary....	<p>Administrative Assistant to the Secy.</p> <p>Dep Adm Asst.</p> <p>Dir, Ofc of Small &amp; Disadv Bus Utilization.</p> <p>Special Assistant for International Affairs.</p> <p>Dep for Air Force Review Boards.</p> <p>Deputy for Installations Management.</p> <p>Principal Depy Asst Secy (Research Dev Logist).</p> <p>Dep for Acquisition.</p> <p>Dep For Programs &amp; Production.</p> <p>Dep for Supply &amp; Maintenance.</p> <p>Dep for Transportation &amp; Civil Aviation.</p> <p>Deputy Assistant Secretary (Acct and Audit).</p> <p>Chief Office of Air Force History.</p> <p>Chief, Publishing Div.</p> <p>Associate Director (Technical).</p>
Ofc of Small & Disadv Bus Utilization.	
Office of the Under Secretary.	
ODAS M/P Res & Military Pers.	
ODAS Installations Environment & Safety	
OAS Research Development and Logistics.	
ODAS Acquisition Management.	
ODAS Logistics & Communications.	
Office of Assistant Secretary, Financial Management.	
Office, Asst Vice Chief of Staff.	
Director of Administration.	
Asst Chief of Staff for Information Systems.	
Ofc of Dep Chief of Staff, Logistics and Engineering.	
	<p>Assoc Dir for Logistics Plans &amp; Programs.</p> <p>Assoc Dir of Maintenance Engineering &amp; Supply.</p> <p>Assoc Dir for Engineering &amp; Services.</p> <p>Chief Modification &amp; O&amp;M Programs Division.</p>



POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Office of Dep Chf of Staff, Res & Dev and Acquisition.	Chief Combat Support Programs Division. Assoc Dir of Contracting & Manufacturing Pol Deputy Competition Advocate General.
Special Advisory Group...	Special Advisor.
Office of the Inspector General.	Dep Asst Inspector Gen/Spec Investigations.
Director of Civilian Personnel.	Dep A/S (CPP & EEO) & Dir of Civilian Pers. Deputy Director of Civilian Personnel. Dir of Civilian Personnel. Dep Comptroller.
Office of Deputy Chief of Staff, Comptroller.	Assoc Dir of Mgmt Analysis.
Director of Management Analysis.	
Director of Budget.....	Deputy Director of Budget. Asst Dep Dir of Budget (Operations). Chief Budget Management Division. Chf, Investment Appropriations Div.
National Guard Bureau.....	Spec Asst to the Chief, NGB.
Office of the Commander.	Assistant for Product Assurance. Command Competition Advocate.
DCS Contracting & Manufacturing.	Prin Asst/Contracting & Manufacturing. Chairperson Contract Review Committee. Technical Director, Manufacturing & Ind Prep. Dir Contract Clearance & Policy Development.
DCS Personnel.....	Director of Civilian Personnel.
DCS/Product Assurance and Acquisition Logistics.	Technical Director, Product Assurance.
Deputy Chief of Staff/Comptroller.	Asst to the DCS/Comptroller.
DCS/Development Plans.	Asst Dep Chief of Staff/Plans and Programs.
DCS/Intelligence.....	Dep Chf of Staff for Intelligence.
DCS/Operations.....	Tech Dir. Dep Chf of Staff/Systems.
AF Ofc of Scientific Research.	Tech Director AF Ofc of Scientific Research.
Air Force Space Technology Center.	Asst Dep for Procurement & Manufacturing.
Air Force Weapons Laboratory.	Techn Dir (Physical Optics, Lasers, Prototype). Technical Director (Nuclear Technology).
Aeronomy Division.....	Director Aeronomy Division. Ch, Atmospheric Structure Br. Dir, Space Physics Div, AFGL. Dir Optical Physics Division.
Space Physics Division.....	Dir, Solid Rocket Div.
Optical Physics Division.....	
Air Force Rocket Propulsion Laboratory.	Deputy (Acquisition Logistics & Techn Oper).
Electronic Systems Division.	Asst Dep for Contracting & Manufacturing. Assistant Deputy Commander/Tactical Systems. Asst Dep for Strategic Systems. Dep Comm for Intel C3 Countermeas & Supp Sys.
Rome Air Development Center.	Director (Plans). Techn Dir (Intelligence & Reconnaissance). Techn Director (Communications). Tech Dir Reliability & Compatibility. Technical Dir (Surveillance). Technical Director (Command & Control).
Aeronautical Systems Division.	Deputy Comptroller. Techn Dir, Flt Systems Engineering. Director (Mission Analysis).
Dep for Proc and Manufacturing, ASD.	Asst Deputy for Contracting & Manufacturing.
Deputy for Tactical Systems.	Asst Deputy (Deputy for Tactical Systems).
Deputy for Propulsion.....	Asst Dep for Prog (Dep for Propulsion).

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Dep for Engineering, ASD.	Tech Dir Directorate of Equipment Engineerin. Techn Dir, Directorate of Avionics. Technical Director, Deputy for Avionics. Director of Engineering Tactical Systems. Engineering Advisor Product Assurance Engr. Dir Engineering Propulsion Systems. Director of Engineering (F-16). Dir of Eng Reconnaissance & Elec Warfare Sys. Director of Engineering (Airlift Trainer Sys). Director of Engineering (Strategic Systems).
Systems Engineering Office, ASD.	Dir, Metals & Ceramics Div. Sr Sci Organic Chemistry. Dir Manufacturing Technology Division. Dir, Nonmetallic Materials Dn. Dir, Turbine Engine Div.
Materials Laboratory, AFWAL.	Technical Advisor. Technical Director (Aerospace Systems). Technical Director (Senior Data). Technical Director (Technology and Threat). Research Director (Crew Technology). Dir, Toxic Hazards Div. Director Human Engineering. Chief Scientist.
Aero Propulsion Laboratory, AFWAL.	Techn Dir (Engineering).
Armament Division.....	Assistant for Contract Administration Service.
Foreign Technology Division.	Asst DCS-Comptroller.
USAF School of Aerospace Medicine.	Asst Dep Chf of Staff, Maintenance.
Aerospace Medical Research Lab.	Chairman A F Logistics Command Procurement.
Air Force Human Resources Lab, Amd.	Assistant DCS/Plans & Programs.
Air Force Flight Test Center.	Director of Civilian Personnel.
Hq Air Force Contract Management Division.	Asst DCS/Procurement & Production.
Air Force Logistics Command.	Deputy Asst to the Comdr-Internal Logistics. Asst Dep Chief/Logistics Management Systems. Asst Deputy Chief of Staff, Material Mgt. Director Acquisition Logistics. Asst Deputy Chief of Staff Logis Mgmt System.
AF Acquisition Logistics Div.	Asst to the Commander AFALD. Asst to the Commander, Logistics Oper Center. Dep for Log Force Structure, Dev & Acquisit. A/D Aeronautical Prog AF Acquisition Log Ctr.
Air Logistics Center, San Antonio.	Dep Dir, Directorate of Maintenance. Dep. Dir, Material Mgt. San Antonio Log. Ctr. Dep Director, Contracting and Manufacturing.
Air Logistics Center, Oklahoma City.	Dep Dir, Directorate of Material Mgmt. Dep Dir, Directorate of Maintenance. Dep Director, Contracting and Manufacturing.
Air Logistics Center, Warner Robins.	Deputy Director, Directorate of Material Mgt. Deputy Dir, Dir of Maintenance. Dep. Director, Contracting and Manufacturing.
Air Logistics Center, Ogden.	Dep Dir, Directorate of Maintenance. Deputy Director, Directorate of Material Mgt.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Air Logistics Center, Sacramento.	Dep Dir Directorate of Materiel Management. Dep Dir, Directorate of Maintenance.
Aerspace Guidance & Metrology Center.	Dep to the Comdr Aerospace Guid Metro Ctr.
Air Force Audit Agency.....	The Auditor General of the Air Force. Director of Field Activities. Director of Operations. Director of Forces and Support Management. Dir, Acquisition & Logistics Systems. Asst to the Commander.
Air Force Electronic Security Command.	Tech Asst to Comdr Data Sys Design Center.
Air Force Communications Command.	Technical Director.
Science & Research.....	Chief, Operations Analysis Division. Chief, Applied Research Division. Chief Scientist Tactical Air Warfare Ctr.
Tactical Air Command.....	Chief, Operations Analysis.
Headquarters, Pacific Air Force.	Director of Civilian Personnel.
U.S. Air Forces in Europe.	
Shape Technical Center.....	Chief, Information Systems Division, NATO. Director, Shape Technical Center.
Space Command.....	Senior Space Scientist.
Dep Chf of Staff, Plans & Programs.	Senior Scientific and Technical Advisor.
AF Operational Test and Eval Center (AF OTEC).	Scientific Advisor (Test & Evaluation).
Air University.....	Director Academic Affairs.
Joint Electronic Warfare Center (JEWEC).	Technical Director.
Air Force Commissary Service.	Deputy to the Commander, AF Commissary Serv.
Directorate of Accounting & Finance.	Dep Dir, Acctng & Finance.
Joint Program Management Office (JPMO).	Director of Plans & Systems.
AF Engrg and Services Center (Field).	Technical Director.
Office of Civilian Personnel Operations (OCPO).	Chf Ofc of Civilian Personnel Ops.
U.S. Central Command.....	Scientific Advisor.
Department of Army	
Office of the Under Secretary.	Operations Research Analysis. Chf, Ops Res Grp for Forces & Readiness. Operations Research Analyst for Systems. Ops Research Analysis for Cmd, Cont, C & I. Adm Asst to the Secy of the Army.
Ofc of the Administrative Assistant.	Dep Administrative Assistant. Director, Defense Supply Service-Washington.
OASA Research Development and Acquisition.	Director Acquisition Management Review Agency.
ODASA Acquisition.....	Dep for Materiel Acq Mgmt.
OSASA Management and Programs.	Dep for Procurement Policy. Asst Dep for Management & Programs. Dep for Management and Programs. Deputy for Programs.
Ofc of Asst Secretary (Installations & Logistics).	Deputy Assistant Secretary of Army (Log).
Off of Asst Secretary, Manpower & Reserve Affairs.	Dep Prog & Commer Activ/Commer Activ Agency.
Ofc of Asst Secretary Civil Works.	Dep A/S of the Army (Rev Bds & Personnel Sec).
	Dep for Program Planning Review & Evaluation. Deputy for Management and Budget. Dep for Policy, Ping, & Legislative Affairs.



POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Office, Assistant Chief of Staff, Intelligence.	Spec Asst to the ACSt. Dep Director Foreign Sci & Technology Center. Dir of Intelligence Production. Director Missile Intelligence Agency
Ballistic Missile Def Prog Ofc.	Chief Scientist Ballistic Missile Prog Ofc.
Ballistic Missile Def Sys Command.	Chief, Contracts Office. Project Manager, ER-VIS Project Office.
Ballistic Missile Def Adv Techn Ctr.	Dir Technology Analysis Directorate. Dir Discrimination Directorate. Dir Missile Directorate. Director Radar Directorate. Dir-Data Processing Directorate. Director Optics Directorate.
Chf Scientist & Director of Army Research.	Asst Director for Research Programs. RDA Analysis Officer. Asst Dir. Technology Planning. Director of Army Research & Technology. Assistant Director, Laboratory Management. Assistant Director, Research. Combat Spt Sys Technol Mgr. Assistant Director Technology Assessment. Assistant Director Threat Integration.
Dir of Combat Support Systems.	Physical Scientist (Aerospace Engr).
Dir of Weapons Systems.	U.S. Army Safety Director.
Office, Dep Chief of Staff for Personnel.	Chief, Contracting Policies and Procedures.
Directorate of Civilian Personnel.	Director of Civilian Personnel. Dep Director Ofc Civ Personnel. Chief, Staffing, Career Mgmt & Training Ofc.
Civilian Personnel Center.	Chf-Civilian Personnel Ctr.
Army Research Institute For Behavioral & Social Sciences.	Dir, Systems Rsch Lab & Assoc Dir ARI. Dir, Trng Res Lab & Assoc Dir, ARI. Dir, Manp & Pers Res Lab & Assoc Dir, ARI.
Dir Manpower Plans and Budget.	Dep Dir Manpower Plans and Budget.
Office, Deputy Chief of Staff for Logistics.	Asst Director for Supply Mgmt. Asst Dir of Resources and Mgmt. Asst Dir for Maintenance Mgmt. Spec Asst to Dcslog & Av Log Ofc. Chief Security Assistance Policy Coord Ofc. Asst Dir for Transportation. Asst Dir for Energy & Troup Support.
Office of the Comptroller of the Army.	Dep to the Commander, Troop Support Agency. Dep Comptroller. Director of Cost Analysis. Deputy Director of Operations & Maintenance. Director of Resource Management. Asst Comptroller of the Army for Econ Policy. Director, Resource Management Systems.
Finance and Accounting Center.	Dep Cmdr US Army Finance & Acctng Ctr. Army Internal Control Program Administrator.
Director of Army Budget.	Deputy Director. Dep Dir of Army Budget for Budget Management.
Army Audit Agency.	The Auditor General, U.S. Army. Deputy Auditor General. Director, Logistical & Financial Audits. Director, Acquisition & Systems Audits. Dir Personnel and Force Management Audits. Dir Audit Policy Plans and Resources.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Ofc Dep Chf of Staff for Operations & Plans.	Regional Auditor General (European Region).
Directorate of Command, Control, Comms & Computers.	Tech Adv to Dep Chf of Staff for Ops & Plan.
US Army Computer Systems Command.	Dep Asst Chf of Staff Automation and Comms.
US Army Nuclear & Chemical Agency.	Army Spectrum Manager.
Concepts Analysis Agency (OCSA).	Dir, Army Mgmt Systems Support Agency.
Army Center of Military History.	Technical Director.
Army War College.	Dir of Methodology & Resources & Computation.
USA Med Rsch & Devel Cmd.	Chief Historian.
U.S. Army Med Res Inst of Infectious Dis, Ft Detrick, MD.	Director of Academic Affairs.
Training and Doctrine Command (TRADOC).	Special Assistant for Biotechnology. Deputy for Science.
Combat Developments Experimentation Command.	Scientific Advisor. Scientific Advisor.
TRADOC Operations Research Activity.	Dep Chief of Staff for Persnl Admin Logistics.
US Army TRADOC Systems Analysis Activity.	Asst Deputy Chief of Staff for Resources Mgmt.
TRADOC Combined Arms Test Facility.	Dir, USA Combat Develop Experimentation Ctr.
Military Traffic Mgmt Command.	Director, TRADOC Operations Research Activity.
U.S. Army Forces Command.	Dir US Army TRADOC Systems Analysis Activity.
U.S. Army Corps of Engineers.	Scientific Advisor.
Ofc, Asst Chf of Engineers.	Special Assistant for Transportation Engr.
Directorate of Civil Works.	Civilian Personnel Director. Deputy Comptroller. Chief, Office of Personnel.
Water Resources Support Center.	Spec Asst to the Chf of Engr for Internl AFF.
Directorate of Engineering & Construction.	Deputy Director, Resource Management. Chief, Programming Div, ACE.
Board of Engineers for Rivers and Harbors.	Chf-Ofc of Policy. Chf, Programs Div. Chf-Planning Division.
Institute for Water Resources.	Chief Operations & Readiness Division.
Planning Divisions, COE.	Chief Dredging Division.
Engineering Division, COE.	Dep/Dir Engineering and Construction. Chf, Operations & Maintenance Div. Deputy Chief Construction Division. Chief Construction Division. Chief Engineering Division. Tech Dir, Bd Engr Rivers and Harbors. Director Institute for Water Resources. Chf Planning Div, Ohio River Div. Chf Planning Div, No Pacific Div. Chf Planning Div, South Atlantic Div. Chief, Planning Div Lower Miss Valley Div. Chf Planning Div, Mo River Div. Chf, Planning Div, South Pacific. Chief Planning Div, N. Atlantic Div. Chf Planning Div-Southwestern Div. Chf Planning Dir North Central Div. Chief, Engineering Div., Ohio River Div. Chief, Engineering Div, Southwestern Div. Chief, Engineering Div., N. Central Div. Chief, Engineering Div., S. Pacific Div. Chief, Engineering Div, N Atlantic Div.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
	Chief, Engineering Div, S. Atlantic Div. Chief Engineering Division. Chief Engineering Div Middle East. Chief, Engineering Div, Missouri River Div. Chief, Engineering Div, North Pacific Div. Chief, Engineering Div, Pacific Ocean Div. Chf Engineering Div, Europe Div. Chief Engineering Div, Huntsville Div. Chf, Construction-Operations Division. Chief Construction Operations Division.
Construction Divs-Coe.	Chf Construction Div, Middle East. Chief Construction-Operations Div S Western. Chief Construction -Operations Div, Ohio River. Chief Construction-Operations Div, LR MS Val. Chief Construction Operations Division. Dir of Mgmt Information Systems.
Dir for Mgmt Infor Sys.	Dep Dir of Supply Maintenance & Transp.
Dir for Supply, Maint & Trans.	Director of Product Assurance and Test.
Dir for Product Assurance & Test.	Deputy Director of Product Assurance and Test.
Ofc Dep Cmdg Gen Material Dev Darcom.	Prin Asst Dep for Res. Develop and Acquisition. Asst Dep for Science & Technology. Asst Dep Int'l Programs & Technical Transfer. Dir Technology Planning Management.
Dir for Devel Engineering & Acquisition.	Dep Dir of Develop Engineering & Acquisition. Deputy for Systems Management. Deputy for Program Management. Dir of Manufacturing Technology.
Office of Manufacturing Technology.	Asst Dep for Material Readiness.
Ofc Dep Cmdg Mat.L Readiness.	Dep Dir of Security Assistance. Dep Dir for Security Assistance. Deputy for Weapon Systems Management.
Dir for Internat'L Logistics.	Asst Dep Chf of Staff for Policy & Procedures.
Dir for Material Management.	Deputy Director of Readiness. Dep Dir Procurement and Production. Assoc Dir for Procurement. Deputy Executive Director for TMDE.
Dir for Readiness.	Asst Deputy for Resource Management.
Dir for Procurement & Production.	Dep Dir, Personnel Training & Force Devel. Chief, Civilian Personnel Div. Deputy Comptroller.
Dir for Test, Measurement & Diag Eq.	Assistant Deputy for Cost Analysis.
Ofc Dep Commanding General for Resource Management.	Director for Program Analysis & Evaluation.
Dir for Personnel Trng & Force Dev.	Dir Automated Logistics Mgt Systems Activity.
Office of Comptroller Darcom HQ.	Comptroller. Deputy for Procurement and Production. Deputy for Logistics Readiness. Dep for Indust Preparedness & Installations.
Program Analysis & Evaluation Directorate.	A/Tech/Dir (Sys Development & Engineering).
Automated Logistics Management Systems Activity.	Director of Product Assurance.
Armament Materiel Readiness Command (ARRCOM).	Chf-Energetic Materials Div. Chief Munitions Systems Division. Chief Applied Sciences Division.
Office of Commander Arradcom.	
Large Caliber Weapon Systems Lab Arradcom.	



POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Chemical Sys Lab Arradcom.	Chf Munitions Division. Chief Research Division.
Aviation Systems Command (AVSCOM).	Dir of Procurement and Production. Deputy Avionics Research & Development Act.
Directorate of Systems Engineering.	Director, Development and Qualification.
Research & Technology Labs.	Dir-Research "and Technology Labs. Dir-Aeromechanics Laboratory. Dir-Structures Laboratory. Director Propulsion Laboratory.
Project Mgmt Ofc Lt Helicopter Family. Communications & Elect Comd (CECOM).	Dep Proj Manager, Light Helicopter Family. Comptroller, Cercom. Dep Dir, Night Vision and Electro-Optics Lab. Dir of Procurement and Production. Dir. of Product Assurance and Test.
Communications Res & Dev Command (CORADCOM).	Director, Communications Systems Center. Dir Systems Engineering and Integration.
Program Mgr Army Data Systems (CORADCOM).	Assoc Techn Dir (Command, Control & Commun).
Depot systems Command (DESCOM).	Deputy for Command Operations. Senior Technical Director (JTC3A).
US Army Laboratory Command.	Assoc Technical Dir for Res & Technology. Assoc Tech Dir for Elec Warfare and Intel.
Harry Diamond Labs (USALC).	Director, Harry Diamond Laboratories. Chf, Dev & Eng Div. Dir, Engr Sci Div.
Army Research Office (AMC).	Chf, Sys Engineering & Concepts Analysis Div.
US Army Ballistic Research Laboratory.	Chief Interior Ballistics Division. Chf-Launch and Flight Division. Chf Terminal Ballistics Div. Chf Vulnerability Lethality Division.
Ofc of Commander (MICOM).	Director for Procurement. Associate Director for Systems. Dir, Missile Logistics Ctr. Director of Product Assurance.
Project Mgmt Offices (MICOM).	Deputy Project Manager, US Roland. Deputy Director for Directed Energy.
Engineering Lab (MICOM).	Dir for System Engineering. Dir for Test and Evaluation. Dep Dir Systems Simulation & Development.
Technology Lab (MICOM).	Director for Advanced Sensors. Chief, Advanced Technology Function. Asst Dep for Readiness. Deputy Director Applied Technology Laboratory.
Belvoir Research & Development Center.	Assoc Techn Dir for Research & Dev. Assoc Tech Dir for Engineering and Acqui.
Natick Research & Development Center.	Director Individual Protection Laboratory. Director Science & Advanced Technology Lab. Director, Food Engineering Laboratory.
Tank-Automotive Comd (TACOM).	Comptroller, TARCOM. Dir for Procurement and Production. Director of Product Assurance. Assoc Dir-Material Testing Directorate.
Aberdeen Proving Ground, MD. T&E Command.	
Patriot Project Office .....	Dep Project Manager, Patriot.
XM-1 Tank Project Office.	Chf Engineer/Chf, Systems Engineering Div.
Fighting Vehicle Systems Project Ofc.	Dep Program Mgr-Fighting Vehicle Systems.
Advanced Attack Helicopter Project Office.	Dep/Prog/Mgr Advanced Attack Helicopter.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Army Material Systems Analysis Agency DARCOM.	Chf Combat Support Div AMSAA. Chf Air Warfare Div. Chf, Reliability, Availability & Maintainability. Chf Ground Warfare Division-AMSAA. Comptroller.
Army Communications Command.	Asst Dep Chf of Staff, Personnel (Civ Pers).
Headquarters, U.S. Army, Europe.	Asst Dep Chief of Staff Eng for Eng & Housing. Asst Dep Chf of Staff, Resource Mgmt USAREUR.
NICSMA, NATO.....	Asst Dir, Command, Control and Comms Syst.
Joint Tactical Command, Control & Comms Agency.	Associate Director Tri-Tac Office. Deputy Director for Architecture. Deputy Director for Plans, Progs and Analysis. Director, Technical Staff.
DOD Wage Fixing Authority.	
<b>Department of Navy</b>	
Office of the Under Secretary of the Navy.	Asst for Acquisition for Special Prog & Act. Assistant for Administration. Auditor General of the Navy.
Office of the Auditor General.	
Naval Audit Service Headquarters.	Director, Plans and Policy. Director, Audit Operations.
Ofc of the Asst Secy of Navy (Manpwr & Res Affs).	Staff Dir/Director, Manpower Analysis. Staff Director Program Policy.
Office of the Comptroller of the Navy.	Assoc Dir, Budget & Reports/ Fiscal Manag Div. Cnm Adv for Cost Analysis/Dir, Cost Anal Div. Exec Asst Compt for Financial Mgmt Systems. Exec Asst Comp Bank, Cash Mgmt, Cont Fin, Comp S. Counsel. Dir, Investment & Dev Div. Assoc Dir for Finance. Dir, Budget & Mgmt, Policy and Procedures Div. Exec Asst Comptroller for Accounting Systems. Dir, Budget Evaluation Group. Dep Director for Independent Cost Analysis. Dir Civilian Manpower Division. Dir, Navy Comptroller Standard Sys Activity.
Navy Comptroller Standard Systems Activity.	
Office of the General Counsel.	Asst General Counsel (Acquisition). Asst Gen Counsel (Civilian Personnel Law). Deputy Director, Long Range Planning Group. Dir Naval History/Dir, Naval Historical Ctr.
Director-Naval Administration/Asst Vice CNO.	Asst for Spec Analyses & Head, Proj Forces Br. HD Support Force Manpower & Logistics Branch. Chairman Resources & Cost Analysis. Dep. Director, Strategic Sealift Division. Deputy Director for Programming. Asst for Readiness & Sustainability.
Director, Navy Program Planning.	Dir, Electromagnetic Spectrum Management. Assoc Director, Information Systems Division. Advanced Technology Advisor. Technical Advisor. Dep for International & Interagency Affairs.
Director Command and Control.	
Director, Naval Warfare...	Spec Asst for Financial Matters. Asst for RDT & Acquisition Mgmt. Director R&D Programming & Budgeting Division. Spec Asst to Dir of Naval Intel. Spec Asst to Dir of Naval Intel-Investigatns.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
	Tech Dir-Ofc of Naval Intelligence. Advisor for Research & Development Programs. Sr Adv to the Dir of Naval Intel for Sov Doc. Dir, Total Force Info Res & Sys Mgmt Div. Asst Dep Chf of Naval Ops (Civilian Person).
DCNO (Manpower, Personnel & Training). ADCNO (CCP/EEO)/ Civ Pers Pol Division.	Head, Staffing and Pay Systems Branch. Hd, Labor & Employee Relations Branch. Dep Dir, Civilian Personnel Policy Division. Head Personnel Management & Evaluation Br. Technical Director, SSBN Security Program. Technical Director of Research & Development.
Office DCNO (Submarine Warfare).	Dep Dir, Logistics Plans Division. Spec Asst for Aviation Budget and Acquisition. Special Assistant for Technology & Analysis. Assoc Dir OP-63/Dir, Inter'l Prog, Pol & Neg.
Office DCNO (Logistics). Office DCNO (Air Warfare).	Director, Naval Civilian Personnel Command. Director Pacific Region.
Office DCNO (Plans, Policy & Operations).	Dir Military Pay Financial Mgmt Directorate.
Naval Civilian Personnel Command.	Dir, Time Service Div.
Naval Civilian Personnel Command—Pacific Region.	Technical Director. Comptroller.
Naval Military Personnel Command.	
Naval Observatory .....	Technical Director.
Naval Data Automation Command Headquarters.	Director of Threat Assessments. Technical Director.
Naval Intelligence Support Center.	
Naval Intelligence Processing System Support Activity.	
Naval Medical Research and Development Command.	Dir of Prog & Scientific Advisor.
Naval Aerospace Medical Research Laboratory.	
U.S. Naval Medical Research Unit #3.	Spec Asst, Scien Progs & HD, Psychophysiology.
Military Sealift Command.	HD, Medical Zoology Dept, Carlo, Egypt. Deputy Commander. Counsel. Engineering Officer. Comptroller.
Naval Tactical Support Activity.	Dir Navy Tactical Support Acty.
Naval Space Command..	Technical Director. Comptroller.
Ofc of the Chief of Naval Education and Training.	Prin Adv Edu Trng/Deputy Cnet Edu Dev and R&D.
U.S. Marine Corps Headquarters Office.	Fiscal Dir of the Marine Corps. Asst DCS for Installations and Logistics. Dir Contracts Division. Counsel for the Commandant. Chief Scientist. Accounting Officer of Marine Corps. Special Assistant to the Dir of Intelligence. Deputy Director Materiel Division. Technical Director. Dir of Planning and Assessment. Assistant TD for Ocean Science. Dep Dir for Technology Programs. Counsel, Office of Naval Research. Science Advisor. Dir, Fin Mgmt Compt/Spec Asst (FM) To ASN (R, E&S). Dep to the Spec Asst (FM) to the Asst (FM) to the ASN (RE&S). Dir, Navy Patent Prog/Patent Counsel of Navy. Field Dir, Navy Patents. Departmental Director, Navy Patents.
Ofc of the Comptroller ...	
Ofc of Assistant Chief for Patents.	



POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Office of Procurement Services.	Director, Acquisition.
Office of the Assistant Chief for Research.	Dir of Research Programs. Head Information Sciences Division. Head Mechanics Division. Head Physics Division. Head Chemistry Division. Leader, Arctic, Atmos & Ionospheric Sci Div. Head, Physiological Sciences Division. Assoc Dir for Life Sciences. Head Biological Sciences Division. Assoc Dir for Mathematical & Physical Science. Head Mathematical Sciences Division. Associate Director for Engineering Sciences. Head Electronics Division. Head Geophysical Sciences Division. Head Ocean Sciences Division. Head Materials Division. Dir Mgmt & Manpower.
Assistant Chief for Technology.	Associate Director for Environmental Sciences.
Ocean Science and Technology Division.	Dir Anti/Air Anti/Surf Warf & Aerospace Tec Div.
Office of Naval Technology.	Dep Tech Dir/Dir, Tech Plan'g & Assess Group. Technical Director. Director, Support Technology Division. Chief Scientist. Dir Anti Submarine Warfare & Undersea Tech.
Office of University Affairs.	DCMN (Laboratories)/Dir of Navy Laboratories. Assoc Dir of NV Labs. Director, Office of University Affairs. Tech Dir. Assoc Tech Dir & Dir, Ocean Science Directorate. Assoc Tech Dir & Dir Ocean Acoustics & Tech Dir. Dir of Research.
Naval Ocean Research and Development Activity.	Assoc Dir of Res & Dir of Tech Services. Assoc Dir of Res & Dir Sys Res and Tech.
Office of the Director of Research.	
Technical Services Directorate.	
Systems Research and Technology Directorate.	
Acoustics Division.	Supt, Acoustics Div.
Underwater Sound Reference Division.	Supt Underwater Sound Reference Division.
Radar Division.	Supt, Radar Div.
Marine Technology Division.	Superintendent Marine Technology Division.
Tactical Electronic Warfare Division.	Supt, Tactical Electronic Warfare Div.
Material Science and Component Technology Direc.	Assoc Dir of Res & Dir of Mat Sci & Comp Tech. Head Magnetism Branch. Chf Sci, Lab for Structure of Matter. Head Elect Warfare Strategic Planning Org.
Chemistry Division.	Supt, Chemistry Div. Head Combustion and Fuels Branch.
Material Science and Technology Division.	Supt Materials Sci and Tech Division. Head Thermostructural Materials Branch.
Electronics Technology Division.	Superintendent Electronics Technology Div.
Optical Sciences Division.	Superintendent, Optical Sciences Div.
Radiation Technology Division.	Supt Condensed Matter & Radiation Sci Div.
Plasma Physics Division.	Chf Sci Lab for Computational Physics.
Space and Communications Technology Directorate.	Assoc Dir of Res & Dir of Space & Comm Techn.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Space Systems Division.	Head, Space, Technology Br. Superintendent, Space Systems Div.
Communication Sciences Division.	Superintendent, Communications Sciences Div. Chf Sci for Telec & HD, Transm Techn Dr.
General Science and Technology Directorate.	Assoc Dir of Res & Dir of Gen Sci and Tech.
Plasma Physics Division.	Superintendent, Plasma Physics Div. Cont Therm Res Coord/HD, Exp Plas Physics Br.
Space Science Division.	Superintendent Space Science Div.
Office of the Dir, NATO, SACLANT AWS Research Ctr.	Director NATO SACLANT ASW Research Centre.
Office of Naval Acquisition Support.	Dir Manpower/Personnel Mgmt Dir, CCPO, Crystal City. Specification Control Advocate General.
Dep Chief of Naval Material (Logistics).	Asst Dep Chf of Naval Material (Oper & Logist). Dir, Logistic Programs & Assessments Div.
Dep Chief of Naval Material (Acquisition).	Executive Director, for Acquisition. Director, Financial Management Office. Techn Dir.
Asst Dep Chf of Naval Mat (Contracts & Bus Mgmt).	Exec Dir for Contracts and Business Management. Dir, Procurement Control & Clearance Div.
Dep Chief of Naval Material (Laboratories).	Spec. Assistant to the Director of Navy Labs.
Asst Dep Chf of Naval Mat (Reliability & Eng).	Asst Dep Chf Nav Mat (Reliability and Eng).
Executive Development Cadre.	Director, Civilian Resources Management Dir. Asst for Transition of Ship Eng Tech. Spec Asst to the Inspector General. Spec Asst for Long Range Strategic Planning. Special Assistant to the President. Special Advisor for MPT RE&S. Dir, Def Training Data & Analysis Center.
Naval Training Equipment Center.	Asst Dep CNM for Program Budget & Finance.
Plans and Program Division.	Director, Plans & Programs Division. Deputy Director, Plans & Programs Division.
Strategic Warfare Contracts Division.	Head, Resources Branch. Dir, Strategic Warfare Contracts Division.
Technical Division.	Chf Engr. Deputy Logistics Support Coordinator. Asst for Systems Integration & Compatibility.
Navigation Branch.	HD, Navigation Equip Sect. Branch Engineer, Navigation Branch.
Test and Instrumentation Branch.	Test & Instrumentation Branch Engineer.
Fire Control and Guidance Branch.	Hd, Guidance Section. Head Fire Control Section. Br Engr Fire Control & Guidance Br.
Missile Branch.	Head Operations Engineering Section. Sec Engr, Engrg Section. Chf Engr, Missile Branch. Sect Head, Reentry Systems Sect. Missile Br.
Launcher Branch.	Branch Engr, Launcher Branch.
Ship Installation and Design Branch.	Branch Engr, Ship Installation & Design Br.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Joint Cruise Missile Program Office.	Exec Dir, Acquisition Directorate. Chief Engineer, Joint Cruise Missiles Program. Technical Dir Joint Cruise Missile Program.
Naval Air Systems Command.	Deputy Commander, Naval Air Sys Command.
Ofc of Asst Comdr for Research and Technology.	Director, Surveillance Division. Director, Weapons Division. Director, Aircraft Division. Assoc Techn Dir for Res & Technology. Director, Avionics Division. Techn Dir, Res & Techn. Chief Scientist. Technology Demonstration Manager.
Office of the Assistant Chief for Contracts.	Director, Operations & Management Directorate. Exec Dir, Procurement Management. Dir Aircraft Weapons Systems Purchase Div. Dir, Missile Weapons Systems Contracts Div.
Asst Comdr for Logistics/Fleet Support.	Deputy Dir Logistics/Fleet Support & Group. Asst Dir Logistics Mgmt Div. Director Logistics Resources Division.
Deputy Commander for Plans and Programs.	Executive Director, Management, Plans & Progr. Asst Dep Commander for Anti-Air Warfare R&EWP. Prog Dir/Air for EW & Mission Support Prog. ADC/for Anti-Submarine Warfare & Support Proj. Deputy Project Manager (Lamps).
Dep Commander for ASW Warfare Projects.	
Office of Counsel.	Counsel, Naval Air Systems Command.
Deputy Comptroller.	Deputy Comptroller.
Assistant Commander for Systems and Engineering.	Exec Dir for Acquisition Management. Technical Director, Weapons Engineering Div. Dir, Engineering Sup & Prod Integ Mgmt Div. Tech Dir, Computer Res & Avionics Div. Dir, Evaluation Div. Technical Director Air Vehicle Division. Dir, Systems Acquisition Directorate. Director Cost Analysis Division. Dir, Systems Alternatives Directorate. Dir Mission and Effectiveness Analysis Div. Asst Dir Propulsion & Power Division. Assoc Dir Systems Engineering Mgmt. Director, Corporate Management Directorate.
Asst Commander for Test and Evaluation, Naval.	Tech Dir, Test & Evaluation. Director Resources Division.
Naval Air Engineering Center.	Technical Director.
Naval Air Test Center.	Technical Director, Natc, Patuxent Riv, MD.
Naval Avionics Center.	Executive Director. Dir of Applied Research. Director of Engineering. Technical Director.
Pacific Missile Test Center.	Director, Weapons Evaluation Directorate.
Systems Evaluation Directorate.	
Range Directorate.	Assoc Dir and Assoc TD (Ranges and Tests). Hd, Range Dev Dept. Dir Elec Warfare Dir/Assoc Tech Dir (Elec/WF).
Navy Aviation Logistics Center.	Exec Dir.



POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Space and Naval Warfare Systems Command.	Deputy Comptroller, Counsel. Techn Dir, C31 Systems & Techn Directorate. Technical Dir, C3 Software Dev & Support.
Director, Logistics Directorate.	Executive Director, Life Cycle Support Group.
Contracts Directorate.....	Exec Dir, Contracts.
Spawar Project Offices.....	Asst Proj Mgr, Ship & Shore Communications Div. Tech Dir, Navy Space Project Ofc. Dep Proj Mgr & Tech Dir Rawson Systems Proj. Asst Project Mgr for Elf Communications. Asst Proj Manager for Submarine Commun Syst. Assoc Dep Proj Manager/Technical Dir. Project Manager for Communications Systems. Deputy Director Research and Technology Group.
Research and Technology Directorate.	Techn Dir, Sys Integration & Design Group. Exec Dir, C31 Requirements Analysis Group.
Acquisition Engineering Directorate.	Deputy Project Manager/Technical Director. ADC-Life Cycle (Engring & PID). Deputy Project Mgr/Tech Dir Com Sys Proj Ofc.
Command Support System Office.	Dep Assistant Project Dir for C2 Programs. Executive Director for Systems Engineering.
Office of Commander.....	Counsel Dep Dir of Programs & Comptroller. Techn Advisor-Real Property Management. Asst Commander for Facilities & Transp.
Asst Commander, Design and Engineering.	Asst Commander for Engineering & Design.
Deputy Commander for Acquisition.	Assistant Commander for Contracts. Chief Engineer. Technical Director.
U.S. Naval Construction Battalion Center.	
Naval Sea Systems Command.	Asst Deputy Commander for Logistics.
Office of Commander & Staff Offices NAVSEA (00).	Counsel. Dir, Corporate Planning Office. Director, Reliability and Maintainability. Deputy Counsel.
Compt Directorate NAVSEA (01).	Asst Dep Comdr, Plans, Prog Financ Mgt/Dep Com. Director Cost Estimating & Analysis.
Contracts Directorate, NAVSEA (02).	Asst Dep Commander for Contracts. Dir Shipbidg & Overhaul Contracts Div. Dir, Surface Warfare, Elec & R&D Contract Div.
Ship Design and Integration Directorate, NAVSEA (03).	Dir Ship Des Res & Tech Ofc (SEA-03R). Dir, Adv Des Div/at Dep Dir, Ship Conc Dev Gp. Exec Dir/Dep Ofc Dir/Dep Grp Dir/Div Dir. Exec Dir/Dep Ofc Dir/Dep Grp Dir/Div Dir. Exec Dir/Dep Ofc Dir/Dep Grp Dir/Div Dir.
Ship Systems Directorate, NAVSEA (05).	Exec Dir, Ship Systems Directorate. Dir, Ship Systems Res & Technology Office. Dir, Structural Integrity Subgroup. Deputy Director, Propulsion Systems Subgroup. Deputy Dir Hull Systems Sub Group. Dep Dir, Auxiliary Systems Group.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Combat Systems Directorate, NAVSEA (06).	Dep Director, Hull Engineering Group. Deputy Director, Electrical Systems Group. Director, Materials Engineering Office. Dep Dir/Tech Dir, Combat Systems Eng Group. Dir Combat Systems Design & Test Subgroup. Deputy Dir Ammunition Systems Group. Exec Director, Combat Systems Directorate. Asst Dep Cmdr, Ind/FAC Mgmt Directorate.
Industrial and Facilities Mgmt, Direct NAVSEA (07).	Director-Reactor Materials Division. Head Advanced Design Branch. Head, Improved Reactor Design Branch. Dir-Secondary Plant Components Division. Asst Dir React Engr Div, Hd Adv Reactor Br. Director Reactor Plant Valve Division. Deputy Director for Submarines. Dir Surface Ship Systems Division. Technical Assistant for Surface Ship Systems.
Nuclear Propulsion Directorate, NAVSEA (08).	Dep Dir, Submarine Logistics Div. Exec Dir Submarine Directorate. Executive Director, Surface Ship Directorate. Dep Dir, Surface Combatant Ship Logistics Div. Asst Dep Comd/For Acquisition & Admin.
Submarine Directorate, NAVSEA (92).	Dep Asst (Techn) for ASW & Undersea WF Sys.
Surface Combatant Ships Directorate, NAVSEA (93).	Exec Dir, Surface Warfare Sys Grp.
Management Support Directorate, NAVSEA (99).	Dir, Research Techn & Assessment Ofc.
Surface Warfare Systems Group WS&E NAVSEA.	Dep Proj Mgr & Tech Dir. Dep Proj Mgr, Guided Miss Frig Ship Acq Proj. Dep Proj Mgr for Anti Ship Misse Defense Proj.
Undersea Warfare Systems Group WS&E NAVSEA.	Dep Proj Mgr/Tech Dir Nucl Power Aircraft Lab. Dep Proj Mgr/Tech Dir Attack Sub Project Ofc.
Research Technology and Assessment Office, NAVSEA.	Dep Program Mgr Directed Energy Laser Weapons. Director-SSW Submarine Systems Division. Dep Proj Mgr/Tech Dir Aux & Spec Mission Ship. Dep Program Mgr Amphibious Ship Acq Program.
Deep Submergence Systems Project Office.	Dep Techn Dir, Technical Division. Torpedo MK 48/ADCP Deputy Program Manager. Project Manager, Deep Submergence Sys Project. Tech Dir Theater Nuclear Warfare Prog Office.
Theater Nuclear Warfare Program Office.	Technical Director.
Naval Weapon Station, Seal Beach.	Technical Director.
Naval Undersea Warfare Engineering Station.	Technical Director.
Naval Ship Weapons Systems Engineering Station.	Technical Director.
Naval Ordnance Station.	Technical Director.
Naval Supply Systems Command.	Counsel. Asst Dep Commander for Plans, Policy, & Syst D. Asst Dep Cmdr for Fin Mgmt/Comp.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Headquarters.....	Asst Dep Commander, Contracting Management. Director Breakout Division. Dir Advanced Logis Tech Div. Prog Mgt and Technology Program Mgt Office. Spec Asst to Dir Res Mgmt/Dir Fin Mgmt Sys Di. Executive Director, Planning and Resources.
Navy Ship Parts Control Center.	Exec Dir Acquisition & Logistics Ping & Suppt.
Navy Aviation Supply Office.	Executive Dir Logistics Planning & Support.
Navy Fleet Material Support Office.	Exec Dir, Adp System Planning and Development.
Naval Air Development Center.	Dir-Communication & Navigation Tech Directorate. Dir Sensors & Avionics Technology Directorate. Head-Computer Department. Dir-Systems Directorate. Dir Aircraft and Crew Systems Technology Div. Dir-Planning Assessment Resources Staff. Technical Director/Consultant. Technical Director Consultant. Dir, Software/Computer Technology Directorate. Senior Sci, Airborne ASW Technot.
	Head, Aero Analysis Division. Weapons Systems Technology Manager.
Naval Coastal Systems Center.	Tech Dir/Consultant. Hd, Coastal Technol Dept. Head Engineering & Test/Evaluation Department. Head Systems Department. Director Ocean Surveillance. Director Weapon Systems. Director Engineering and Computer Sciences.
Naval Ocean Systems Center.	Chief Res Sci Subm Artic Tech & Dir Artic Subm. Dir, Independent Research and Development. Technical Director/Consultant. Assoc Technical Dir, San Diego, Cal. Dir Marine Science & Technology Directorate. Head, Command and Control Department. Head Electronics Engineering & Sciences Dept. Head, Communication Department. Technical Director, NPRDC. Dep Techn Dir for Manpower & Personnel. Assistant for Civilian Personnel Research. Dir Training Research Laboratory. Dir for Long Range Plans & Programs.
Naval Personnel Res & Dev Center.	Tech Dir Consultant. Associate Tech Dir for Sys Development. Asst Tech Dir (Research Consultant). Assoc Tech Dir for Aerodynamics. Assoc Tech Dir, Computation & Mathematics. Assoc Tech Dir for Ship Acoustics.
David W. Taylor Naval Ship Research & Dev Center.	Assoc Tech Dir Prop & Auxiliary Systems. Assoc Tech Dir for Ship Performance.
Aviation and Surface Effects Department.	Assoc Techn Dir for Materials Sci & Technology. Head Submarine Division. Associate Technical Director for Structures.
Ship Acoustics Department.	Tech Dir Consultant.
Propulsion and Auxiliary Systems Department.	Dept Hd/Dep Tech Dir/Assoc Tech Dir.
Ship Performance Department.	Dept Hd/Dep Techn Dir/Assoc Techn Dir.
Materials Department.....	
Structures Department.....	
Naval Surface Weapons Center.	



### POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
	Dir. Energy Analysis & Forecasting Division.
Office of Statistical Standards.	Dir Ofc of Statistical Standards. Director Quality Assurance Division.
Asst. Sec. for Conservation & Renewable Energy.	Dir Photovoltaic Energy Technology Div.
Office of State & Local Assistance Programs.	Dir Weatherization Assistance Programs Div.
Ofc of Solar Heat Technologies.	Dir Active Heating and Cooling Division.
Office or Renewable Technology.	Dir. Geothermal Technology Div. Dir. Biofuel & Municipal Waste Tech Div. Dir. Solar Thermal Technology Div.
Deputy Asst Sec for Environment Safety & Health.	Dir. Ofc of Environmental Audit & Compliance.
Office of Nuclear Safety.	Chf, Environmental Protection & Pub Safe Br. Dir. Inspection & Evaluation Div.
Office of Security & Quality Assessment.	
Office of Military Application.	Dir. Prog Analysis & Resource Management Div. Dep Dir, Div of Safety, Envr & Emergency Action. Associate Director of Military Applications. Dir Div of Weapons Research Dev & Testing.
Office of Safeguards & Security.	Dir, Div of Safeguards.
Office of Scientific & Technological Intelligence.	Dir, Div of Pol and Prog Support. Dir Ofc of Scientific Technology Intelligence.
Dep Asst Sec for Energy Emergencies.	Senior Economist. Dir, Ofc of Energy Emergency Pol & Eval.
Office of Energy Research.	Scientific Computing Staff.
Office of Management....	Director, Fiscal Management Division. Deputy Dir for Management. Director for Management. Deputy Dir for Nuclear Safety Safeguard.
Office of Health & Environmental Research.	Director, Human Health & Assessment Div.  Dir Health Effects Research Division.
Office of Fusion Energy...	Dir, International Programs Staff. Dir, Confinement Systems Div.
Office of Basic Energy Sciences.	Dir Engr Math and Geo Sci Div. Dir Chem Sci Div. Dir Adv Egy Proj Div. Dir Mat Sci Div. Chf Fund Interactions Br. Chf Processes and Tech Br. Chf Solid St Phy and Mat Chemistry Branch.
Office of High Energy & Nuclear Physics.	Chf Physics Research Branch. Dir High En Physics Div.
Assistant Secretary for Nuclear Energy.	Deputy Director for Naval Reactors.
Deputy Assistant Secretary for Naval Reactors.	Program manager for Commissioned Submarines. Dir Reactor Safety & Computation Div. Dir Submarine Systems Div. Dir Instrumentation & Control Div. Director Office of Resources Management. Hd Submarine Section. Director Reactor Refueling Div. Dep. Dir Kesseling/Windsor/Site/Cgn/S&G Rec Sv. Hd Surface Ship Section. Sr Naval Reactors Rep (W Milton). Asst Program Manager for Surface Ships. Prog Mgr for Prototypes & Sapsos. Asst Chief Physicist. Director nuclear Technology Div. Dir Reactor Engineering Division. Chief Advanced Core Manufacturing Branch. Dep Director Reactor Materials Division.



POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Schnectady Naval Reactors Office. Pittsburgh Naval Reactors Office.	Director, Fiscal Division. Program Manager for Shipyard matters. Dir Nuclear Components Division. Prog Mgr for Surface Ship/Adv Submarine Proj. Senior Naval Reactors Representative. Manager, Idaho Branch Office. Asst Manager for Operations. Sr. Naval Reactors Rep (Portsmouth). Sr. Naval Reactors Rep. (Nwpt News). Senior Naval Reactors Rep (Pearl Harbor). Senior Naval Reactors Representative.
Office of Personnel.....	Dir Ofc of Personnel. Director, Personnel Policies and Programs. Dir Empl Dvltmt & Trng Div. Dir Hq Personnel Operations Div. Dir Ofc of Org and Mgmt Sys. Dep Dir Ofc of Org and Mgmt. Dir Management Sys Analysis Div. Dir Manpwr Res Mgmt Div. Dir Org Plng and Mgmt Div. Dir, Prog/Const Mgm, Proce & Operations Div.
Office of Organization & Management Services.	Dep Dir Ofc of Project and Facilities Mgmt. Director, Policy Development Division.
Office of Project & Facilities Management.	Dir Ofc of Admin Svcs. Dep Dir Ofc of Admin Serv. Dir Ofc of Adp Mgmt. Dep Dir Ofc of Adp Mgmt. Dir Ofc of Comp Serv and Tel Mgmt. Dep Dir Ofc Comp Serv and Tele Mgmt. Dir div of Telecommunications. Director, Operations Division. Dir Information Systems Division. D/Adp Telecomm Plng & Integrity Division.
Office of Administrative Services.	Dir Ofc of Industrial Relations. Dir Cont Psnl Mgmt Div. Dir Prgm Mgmt and Asmt Div. Director, Procurement Management Rev Div. Director, Policy & Procedures Division. Assoc Dir of Procurement for Competition. Dir of Sm and disadv Bus Utilz.
Office of Adp Management.	Dir Ofc of Policy. Dir Ofc of Procurement Support.
Office of Computer Services & Telecommun Mgmt.	Director Office of Procurement Review. Dir Cont Bus Clnce Div. Dir Ofc of Procurement Operations. Dep Dir Ofc of Procur Op. Director Office of Compliance Programs. Dir Ofc of Budget. Dep Dir Ofc of Budget. Director, Budget Analysis Division. Director, Budget Operations Division. Dir Ofc of Headquarters Accounting Operations. Director, Ofc of Departmental Accounting. Dir Ofc of Financial Policy. Dir Geosciences & Technology Division. Dir Engineering & Licensing Division. Dir Rep Coordination Division. Director Siting Division. Director, Engineering & Geotechnology Div.
Office of Industrial Relations.	
Procurement & Assistance Management Directorate.	
Ofc of Small & Disadvantaged Business Utilization.	
Office of Policy.....	
Office of Procurement Support.	
Office of Procurement Review.	
Office of Procurement Operations.	
Controller.....	
Asst Controller for Budget Policy & Compliance.	
Asst Controller for Financial Sys & Accounting.	
Office of Geologic Repositories.	

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Office of Storage & Transportation Systems.	Dir, Transportation and Waste Systems Div. Director Storage Division.
ENVIRONMENTAL PROTECTION AGENCY	
Office of the Assoc Admr for Intern'l Activities.	Sr Advisor for Intern'l Chemical Affairs.
Ofc of the Asst Admr for Admin & Resources Management.	Assoc to Asst Adm for Prog Mgmt and Policy. Spc Asst to Asst Admin for Admin & Resc Mgmt. Dir Off of the Comptroller. Dir, Financial Mgmt Div. Associate Comptroller. Director, Budget Division. Dir Resource Systems Staff. Dir Ofc of Administration. Deputy Dir Ofc of Administration. Dir Occupational Health & Safety Staff. Dir, Grants Admin Div. Director, Personnel Management Div. Dir, Management and Organization Division. Dir Procurement & Contracts Mgmt Division. Dir Ofc of Information Resources Management.
Office of the Comptroller.	Dir Ofc of Admin-Cincinnati.
Office of Administration...	Director Office of Administration Res Mgmt. Director, Office of Data Processing. Director, Office of Human Resource Mgmt. Director, Senior Executive Service Staff. Dir Ofc of Management Operations. Dir Ofc Compliance Analysis Prog Operations. Dir Nat'l Enforcement Investigations Center.
Office of Information Resources Management.	Dir, Integrated Environmental Mgmt Division. Chief, Regulatory Reform Staff. Dir, Chemical & Statistical Policy Division. Dir Ofc of Management Systems & Evaluation. Director, Program Evaluation Division. Dir, Management Systems Div. Asst Inspector Gen for Investigations. Asst Inspector General for Audits. Dep Asst Inspector General for Audits. Dep Asst Inspector General for Investigations. Asst Insp General for Mgmt & Technical Assess. Deputy Inspector General. Director Enforcement Division. Director, Permits Division. Director, Effluent Guidelines Division. Director, Monitoring & Data Support Div. Dir Criteria and Standards Division. Dir, Analysis and Evaluation Division. Director Municipal Construction Division. Director, Facility Requirements Division. Director, Municipal Facility Division. Director Municipal Construction Division.
Office of Administration-Cincinnati, OH.	
Office of Administration-Rtp, NC.	
Office of Human Resources Management.	
Ofc Asst Admr for Enforcement & Compliance Monitoring.	
National Enforcement Investigations Center.	
Office of Policy Analysis.	
Office of Standards and Regulations.	
Office of Management Systems and Evaluation.	
Office of the Inspector General.	
Office of Water Enforcement and Permits.	
Office of Water Regulations and Standards.	
Office of Water Program Operations.	
Office of Drinking Water.	Dir Criteria and Standards Division. Dir, Ofc of Prog Dev & Evaluation. Director, State Programs Division. Director, State Programs Division.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Office of Ground-Water Protection.	Dir Ofc of Program Development & Evaluation. Director, Criteria and Standards Division. Sr Adv for Ground-Water Policy & Management. Dep Dir, Office of Waste Programs Enforcement. Dir, Cercla Enforcement Division. Director, Rcrs Enforcement Division.
Office of Waste Programs Enforcement.	Dir Waste Mgmt and Economics Division. Dir. Characterization & Assessment Division. Director, Permits & State Programs Division. Dir, Hazardous Response Support Div. Dir, Emergency Response Div. Director, Hazardous Site Control Division.
Office of Solid Waste.....	Director, Ofc of Program Mgmt Operations. Director, Standards & Regulation Div. Senior Science Advisor. Dir—Stationary Source Enforcement Div. Director, Monitoring & Data Analysis Division. Dir, Strategies & Air Stds Div—Durham, NC. Assoc Dir for Intermedia & Intgovt Prog.
Office of Emergency and Remedial Response.	Director, Emission Control Technology Div. Director Certification Division. Dir Manufacturers Operations Division. Dir Field Operations & Support Division. Western Regional Compliance Representative. Dir Ofc Program Management Operations.
Ofc of the Asst Admr for Air and Radiation.	Dir. Ofc of Pesticides Programs. Dir—Registration Division. Director-Program Support Division. Dir-Hazard Evaluation Division. Dir Benefits and Filed Studies Div. Sr Science Advr (Hazard Evaluation). SR Science Advisor/Nat'L Laboratory Aud Prog. Director Exposure Evaluation Division. Dir, Existing Chemicals Assessment Division. Dir, Health & Environmental Rev Div. Director, Chemical Control Division. Dir Toxic Subs Control Act Assistance Ofc. Director, Economics & Technology Division. Director, Chemical Coordination Staff. Director, Chemical Control Division.
Office of Air Quality Planning and Standards.	Dir, Ofc of Exploratory Research.
Office of Mobile Sources.	Dep Dir for Technical Information. Dep Dir for Operations.
Ofc of Asst Admr for Pesticides & Toxic Substances.	Dir Environmental Research Information Center.
Office of Pesticides Programs.	Director Reprod Effects Assessment Group. Director Exposure Assessment Group. Dir, Env Criteria & Assessment Ofc (Air)—Rtp.
Office of Toxic Substances.	
Ofc of the Asst Admr for Research and Development.	
Ofc of Research Program Management.	
Center for Environmental Research Info—Cincinnati.	
Office of Health and Environmental Assessment.	
Environmental Criteria & Assessment Ofc (RTP).	



POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Ofc of Monitoring Systems and Quality Assurance.	Dir Air Toxics & Radiation Monitoring Res Div. Dir. Acid Deposition & Atmospheric Res Dir.
Environmental Monitoring Systems Lab—Rtp.	Dir Envir Monitoring & Systems Laboratory.
Environmental Monitoring & Support Lab—Cincinnati.	Dir Environmental Monitoring & Support Lab Cin.
Environmental Monitoring Systems Lab—Las Vegas.	Dir, Env Monitoring Sys Lat, Las Vegas.
Ofc of Environmental Engineering and Technology.	Dir, Industrial & Extractive Processes Div. Dir Energy Processes Division.
Industrial Environmental Research Laboratory—Rtp.	Dir Industrial Environmental Research Lab RTP.
Industrial Environmental Research Lab—Cincinnati.	Dir, Industrial Environmental Res Lab—Cinci. Dep Dir-Industrial Env Res Lab Cincinnati.
Municipal Environmental Research Lab—Cincinnati.	Director Municipal Environmental Research Lab. Dir Water Supply Research Div.
Office of Environmental Process and Effects Res.	Director, Water and Land Division.
Environmental Sciences Research Laboratory—Rtp.	Dir, Environmental Sciences Res Lab—Rtp.
Environmental Research Laboratory—Corvallis.	Dir, Env Research Laboratory Corvallis.
Environmental Research Laboratory—Athens.	Dir Environmental Research Lab Athens GA.
Robert B Kerr Environmental Res Laboratory—Ada.	Dir, Robert S Kerr Environmental Res Lab.
Environmental Research Laboratory—Duluth.	Dir Environmental Research Lab—Duluth.
Environmental Research Laboratory—Naragansett.	Dir Environmental Research Lab.
Environmental Research Laboratory—Gulf Breeze.	Dir Env Res Lab Gulf Breeze.
Health Effects Research Laboratory—Rtp.	Dir—Health Effects Research Lab—Rtp.
Region I—Boston	Director, Water Management Division. Dir Waste Management Division. Regional Counsel.
Region II—New York	Director, Environmental Services Division. Director, Water Management Division. Asst Regl Admr for Policy and Management. Dir Air & Waste Management Division. Regional Counsel, Region II, New York. Dir, Office of Emergency & Remedial Response.
Region III—Philadelphia	Director, Water Management Division Reg III. Director, Air & Waste Management Div Reg III. Regional Counsel. Asst Reg Admr for Policy & Management. Director, Hazardous Waste Mgmt Div. Director, Environmental Services Division.
Region IV—Atlanta	Dir Water Management Division Region IV. Dir Air & Waste Management Division. Dir Environmental Services Division Region IV. Asst Regional Admr for Policy and Mgmt.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Region V—Chicago	Regional Counsel, Reg IV, Atlanta, Georgia. Director, Waste Management Division. Dir Air Management Div Region V. Dir Envir Services Div Region V. Dir Water Management Div Region V. Asst Regional Admr for Policy & Management. Regional Counsel. Director, Waste Management Division.
Region VI—Dallas	Dir Air & Waste Management Div. Dir Water Management Division. Director, Environmental Services Division. Asst Regional Admr for Management. Regional Counsel. Dir Water Management Division. Dir Air & Waste Management Division.
Region VII—Kansas City.	Regional Counsel. Dir Water Management Division. Dir Air & Waste Management Division.
Region VIII—Denver	Regional Counsel. Dir Water Management Division. Dir Environmental Services Division. Regional Counsel. Dir Air Toxics Division. Director, Water Management Division.
Region IX—San Francisco.	Regional Counsel, Reg IX, San Fran, Cal. Dir, Toxics & Waste Management Div. Asst Regional Admr for Policy & Management.
Region X—Seattle	Dir—Water Div Reg X. Regional Counsel. Director Air and Toxics Division. Director, Hazardous Waste Division.
<b>Equal Employment Opportunity Commission</b>	
Office of the Chairman	Director, Office of Review and Appeals.
Region I	Dist Dir (Baltimore). Dist Dir (New York). Dist Dir (Atlanta). Dist Dir (Miami). Dist Dir (Birmingham). Dist Dir (Charlotte). Dist Dir (Philadelphia). District Director (Detroit). Dist Dir (Chicago). Dist Dir (St Louis). Dist Dir (Indianapolis). Dist Dir (Memphis). Dist Dir (New Orleans). Dist Dir (Cleveland). Dist Dir (Houston). Dist Dir (San Francisco). Dist Dir (Dallas). District Director (Los Angeles). Dist Dir (Denver). Dist Dir (Phoenix). Dist Dir (Seattle).
Region II	
Region III	
<b>Farm Credit Administration</b>	
Office of the Governor	Senior Deputy Governor.
Ofc of Examination & Supervision.	Associate Deputy Governor. Assistant Deputy Governor. Division Director. Division Director. Division Director.
Ofc of Administration	Director, Records and Projects Division. Associate Deputy Governor & Chief Economist. Director of Internal Audit.
Ofc of Internal Audit	
<b>Federal Communications Commission</b>	
Mass Media Bureau	Chief Audio Services Division. Chief Video Services Division. Chf, Enforcement Div.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Private Radio Bureau	Chief Land Mobile & Microwave Division.
Field Operations Bureau.	Chief Enforcement Division.
Common Carrier Bureau	Chief, Tariff Division. Asst Bureau Chief (International). Chief Domestic Facilities Division. Chief Enforcement Division. Chief, Accounting and Audits Division.
Ofc of Science & Technology.	Chief Spectrum Management Division. Chief Technical Analysis Division. Chief Authorization & Standards Div.
<b>Federal Emergency Management Agency</b>	
Office of the Director	Inspector General. Comptroller. Deputy Inspector General.
Emergency Operations Directorate.	Deputy Associate Director. Asst Assoc Dir Ops, Anal & Control. Asst Assoc Dir Operating Systems Mgmt. Asst. Assoc. Director of Facilities Mgmt. Asst Assoc Dir Readiness Plng & Ops. Asst. Assoc. Dir. of Emerg Coord & Support. Dep Asst Assoc Dir/Chf, Field Ops Division.
Office of Resources Preparedness.	Asst Assoc Dir, Off Resource Prep. Chief Mobilization Resource Div.
Office of Natural and Technological Hazards Programs.	Chief, Technological Hazards Division.
Federal Insurance Administration.	Deputy Administrator.
<b>Federal Energy Regulatory Commission (DOE)</b>	
Ofc of Chief Accountant.	Deputy Chief Accountant. Dir Division of Audits.
Ofc of Pipeline and Producer Regulation.	Dir, Div of Producer Rates and Certifications.
Ofc of Hydropower Licensing.	Dir, Div of Inspection.
<b>Federal Home Loan Bank Board</b>	
Office of Administration	Director Administration.
Office of Examinations & Supervision.	Dep Dir Examinations/Field Operations. Deputy Director—Examinations/Policy.
Ofc of Internal Eval and Compliance.	Dir Internal Evaluation and Compliance Ofc.
<b>Federal Labor Relations Authority.</b>	
Federal Service Impasses Panel.	Exec Director FSIP.
Ofc of the Executive Director.	Executive Director/Administrator. Solicitor. Dir Case Management. Chief Counsel
Office of the Chief Counsel.	Asst Chief Counsel for Negotiability. Asst Chf Coun for Rep & Unfair Labor Practice. Assistant Chief Counsel for Arbitration. Assoc General Counsel. Asst General Counsel (Field Management). Asst General Counsel (Appeals). Asst Counsel (Field Mgmt/Legal Policy).
Regional Offices	Regional Director—Washington, D.C. Regional Director—Boston Regional Director—New York. Regional Director—Atlanta. Regional Director—Dallas. Regional Director, Chicago, Illinois. Regional Director—Los Angeles. Regional Director, San Francisco.



POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
<b>Federal Maritime Commission</b>	Regional Director, Denver.
Office of the Members.....	Secretary.
Office of the General Counsel.	Dep Gen Coun for Reports, Opinions and Decision.
Program Offices.....	Director of Programs.
	Dir, Bureau of Agreements & Trade Monitoring.
	Dir, Bureau of Tariffs.
	Dir, Bureau of Investigations.
	Dir, Bureau of Hearing Counsel.
<b>Federal Trade Commission</b>	
Ofc of Executive Director.	Deputy Exec Dir for Management.
	Dep Exec Dir for Planning & Information.
<b>General Services Administration</b>	
Office of the Administrator.	Special Counsel to the Admr for Ethics.
	Dir, Ofc of Small & Disadvantaged Bus Utiliz.
Office of Associate Administrator for Administration.	Director of Personnel.
Office of Policy and Management Systems.	Deputy Director of Personnel.
Office of the Inspector General.	Director of Administrative Services.
	Director of Oversight.
	Deputy Inspector General.
	Asst Inspector Gen for Auditing.
	Deputy Asst Inspector General for Auditing.
	Asst I/G for Investigations.
	Counsel to the Inspector General.
	Asst Insp Gen for Policy, Plans & Mgmt Sys.
Office of Acquisition Policy.	Asst Admr for Acquisition Policy.
	Dep Assoc Admr for Acquisition Policy.
	Dir of Acquis Mgmt and Contract Clearance.
	Policy Advr to the Asst Admr for Acq Policy.
	Director Federal Acquisition Institute.
Office of the Comptroller.	Dir of Finance.
	Director of Budget.
	Director of Transportation Audits.
Federal Property Resources Service.	Asst Comm: R for Real Property.
	Asst Commissioner for Stockpile Management.
	Asst Commissioner for Stockpile Transactions.
Public Buildings Service.....	Asst Commissioner for Buildings Management.
	Asst Commr for Space Planning & Management.
	Asst Commr for Design and Construction.
	Asst Comm for Fed Protection & Safety.
	Assistant Commissioner for Public Utilities.
Office of Information Resources Management.	Director of Information Resources Procurement.
	Director of Network Services.
	Dir of Information Resources Mgmt Policy.
	Director of Office Information Systems.
	Director of Regional Information Services.
	Director of GSA Information Systems.
	Dir. of Systems and Technology Assessment.
	Prog Dir, Wash Interagency Telecom Sys (WITS).
	Chief, Federal Program Information Branch.
Organization Abolished.....	Director of Technical Assistance.
	Asst Archivist, Pres Libraries.
	Dir, L B Johnson Library.
	Asst Archivist for Fed Records Ctr.
	Dir, Harry S Truman Library.
	Dir, Dwight D Eisenhower Library.
	Asst Archivist, Natl Archives.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Office of Federal Supply and Services.	Assistant Archivist for Records Admin.
	Director of Procurement.
	Dir of Policy & Agency Assistance.
	Dir of Transportation.
	Director of Property Management.
	Director of Contract Management.
Region 1—Boston.....	Asst Reg Admr for Public Bldg & Real Property.
Region 2—New York.....	Dep Regional Admr.
	Asst Reg Admr for Public Bldg & Real Property.
	Asst Reg Admr for Administration.
	Asst Reg Admr for Federal Supply & Services.
Region 3—Philadelphia.....	Asst Regl Admr for Public Bldg & Real Prop.
National Capital Region.....	Deputy Regional Admr, National Capital Region.
	Asst Regional Admr for Administration, NCR.
	Asst Regl Admr for Pub Bldgs & Real Property.
	Asst Regl Admr for Info Resources Mgmt.
	Asst Reg Admr for Federal Supply & Services.
Region 4—Atlanta.....	Asst Reg Admr for Public Bldg & Real Prop R-4.
	Assistant Reg Admr for Inform Res Mgmt-R-4.
	Asst Reg Admr for Federal Supply & Services.
Region 5—Chicago.....	Deputy Regional Admr R-5 (Chicago).
	Asst Regional Admr for Administration, R5.
	Asst Regl Admr for Pub Bldgs & Real Prop R-5.
	Asst Reg Admr for Federal Supply & Services.
Region 6—Kansas City.....	Deputy Regional Administrator.
	Asst Regional Admr for Administration, R6.
	Asst Reg Admr for Public Bldg & Real Property.
Region 7—Fort Worth.....	Asst Regl Admr for Pub Buildings & Real Prop.
	Asst Regl Admr for Info Resources Mgmt R-7.
	Asst Reg Admr for Federal Supply & Services.
Region 8—Denver.....	Asst Reg Admr for Public Bldg & Real Property.
Region 9—San Francisco.....	Asst Reg Admr for Pub Bldgs & Real Property.
	Asst Reg Admr for Federal Supply & Services.
	Asst Reg Admr for Information Res Management.
Region 10—Auburn, Washington.	Asst Regl Admr for Public Build & Real Prop.
<b>Department of Health and Human Services</b>	
OAS for Management and Budget.	Dep Asst Sec. Finance.
	Dir, Div of Accounting Systems & Procedures.
	Dep Asst Secy for Procurement, Asst and Log.
	Dir Ofc of Procurement & Asst Policy.
OAS for Personnel Administration.	Asst Sec for Personnel Administration.
	Dir Ofc of Personnel Systems Integrity.
	Dir, Ofc of Human Relations.
Office of the General Counsel.	Asst Gen Counsel (Business & Admin Law Div).
	Dep Asst Gen Coun, Bus & Admin Law Division.
Office of the Inspector General.	Asst Inspector General for Audit.
	Dep Asst Inspector General for Audit.
	Asst Inspector General for Investigations.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
	Dep Asst Inspector Gen for Investigations.
	Sr Asst Insp Gen for Audit & Systems.
	Asst Inspector Gen for Health Fin Integrity.
	Dir, Health Care Financing Audit Division.
	Dep Asst Insp Gen for Criminal Investigation.
	Director Grants Intrnal Sys Audit Division.
	Dep Asst Inspector Gen for Civil Fraud.
	Director, Social Security Audit Division.
	Dep/Asst/Insp/Gen for Headquarters Operations.
	Asst/Dep/Insp/Gen for Info. Res Management.
	Asst Inspect. General for Program Inspections.
OAA for Management and Support Services.	Dir Ofc of Financial Mgmt & Admin Systems.
	Chief Actuary.
	Dir, Bureau of Data Management and Strategy.
OAA for Operations.....	Dep Dir, Bureau of Data Management & Strategy.
	Dir Ofc of Prog Adm, Bur of Prog Operations.
	Deputy Director Bureau of Quality Control.
OAA for Policy.....	Dir Ofc of Demonstrations & Evaluations.
	Director, Ofc of Research.
	Dep Dir, Ofc of Research & Demonstrations.
OAS for Health.....	Dep Dir, Office of Administrative Management.
	Director, Office of Resource Management.
National Center for Health Statistics.	Assoc Dir for Analysis & Epidemiology.
	Assoc Dir for Research & Methodology.
	Assoc. Dir. Ofc. of Prog. Plng. Eval. & Coord.
Natl Center Health Svcs Rsch/Tech Assmt.	Dir, Div of Intramural Research.
Alcohol, Drug Abuse & Mental Health Admin.	Dir, Div of Extramural Research.
Nat'l Inst of Alcohol Abuse & Alcoholism.	Assoc Admr for Extramural Programs.
	Chief Laboratory of Clinical Studies.
	Dir Division of Extramural Research.
	Dir, Div of Intramural Clinical & Bio Res.
	Dir Div of Biometry & Epidemiology.
	Director, Office of Scientific Affairs.
National Institute on Drug Abuse.	Director Addiction Research Center.
	Dir Div of Preclinical Research.
	Director Division of Clinical Research.
	Dir, Div of Epidemiology & Statistical Analy.
Natl Inst of Mental Health.	Dir Division of Extramural Research Programs.
	Dir, Div of Scientific & Techn Info.
	Chf. Theoretical Statistics & Mathematics Bran.
	Dir Div of Mental Health Svc Programs.
	Assoc Dir Extramural Programs.
	Dep Dir, Div of Extramural Research Programs.
	Executive Officer NIMH.
	Chief, Biological Psychiatry Branch.
Saint Elizabeths Hospital.	Asst Superintendent, St Elizabeths Hospital.
	Director John F Marr Division.
	Dir, Gooding Div.
	Director Richardson Division.
	Dir Overholser Division of Training.
	Dir, Div of Medical Surgical Support Programs.



# POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Intramural research.....	Chief Blackburn Laboratory. Chief Department of Medicine. Dir, Intramural Research Programs Dir Division of Special Mental Health Research. Chief, Lab. of Preclinical Pharmacology. Chf, Lab of Cerebral Metabolism. Chief, Section on Myelin chemistry. Chf, Lab of Neurochemistry. Chf Lab of Gen & Comparative Biochemistry. Chief, Lab of Brain Evolution & Behavior. Chief Lab of Neurobiology. Chf, Lab of Neurophysiology. Chf Lab of Socio-Environmental Studies. Chf Lab of Developmental Psychology. Chf, Sect on Pharmacology. Chf-Clinical Neuropharmacology Branch. Chf Clinical Psychobiology Branch. Chief Lab of Psychology and Psychopathology. Chief Laboratory of Neuropsychology Dcbr. Chief Section Histopharmacology. Deputy Director, NIOSH. Director Div of Tech Evaluation & Assistance. Dir Clinical Chemistry Div. Assistant to the Director. Asst Dir for Laboratory Science. Director, Division of Viral Diseases.
Centers for Disease Control.	Director Parklawn Computer Center. Director Orphan Products Development. Dep Assoc Commissioner for Regulatory Affairs. Director, Enforcement Policy Staff. Regl Food & Drug Dir, Reg I, Boston. Regional Director, FDA, Reg II, New York. Regl Food & Drug Dir, Reg III, Philadelphia. Reg-L Dir, Food & Drug Adm, Reg IV, Atlanta. Regl Food and Drug Director, Reg V, Chicago. Regional Food & Drug Dir, Reg VI, Dallas. Regl Food & Drug Dir, Reg VII, Kansas City. Regl Food and Drug, Reg VIII, Denver. Reg-L Dir, Food & Drug Adm, Reg IX, San Franc. Regl Food & Drug Dir, Reg X, Seattle. Director Contaminants Policy Staff.
Food and Drug Administration.	Director, Division of Biometry. Assoc Dir for Research.
Office of Regulatory Affairs.	Dir Division of Toxicology. Dir, Div of Chemistry & Physics. Dir Ofc of Physical Sciences. Dir, Div of Food Technology. Deputy Dir Ofc of Physical Sciences. Dir Ofc of Nutrition & Food Sciences. Assoc Dir for Laboratory Investigations. Dir, Div of Nutrition. Dir Ofc of Compliance. Dir, Div of Microbiology. Director, Divisions of Regulatory Guidance. Dep Dir, Ofc of Nutrition & Food Sciences. Dir Div of Chemical Technology.
National Center for Toxicological Research.	
Center for Food Safety & Applied Nutrition.	

# POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Center for Drugs and Biologics.	Director Ofc of Toxicological Sciences. Dir Div of Food & Color Additives. Director Division of Mathematics. Dir Div Oncology & Radiopharmaceutical Drug P. Dir Div of Scientific Investigations. Dir Div of Cardio-Renal Drug Products. Dir Office of Compliances. Dir, Div of Drug Biology. Director-Division of Drug Chemistry. Assoc Dir for Information Systems. Dep Dir Ofc of Epidemiology & Biostatistics. Dir Div of Biometrics. Dir Div of Drug and Biological Experience. Director Div of Biopharmaceutics. Dir, Div of Blood & Blood Products. Dir, Div of Neuropharmacological Drug Prod. Dir Div of Surgical Dental Drug Products. Dir, Div of Metabolism & Endocrine Drug Prod. Dir Div Biological Product Compliance. Dep Dir for Prog Management. Dir, Div of Product Quality Control. Dep Dir Ofc of Biologics Research & Review. Deputy Director for Medical Activities. Director, Division of Biochem & Biophysics. Director, Division of Otc Drug Evaluation. Dir Ofc of Drug Research & Review Ctr. Associate Director for Program Coordination. Director, Office of Drug Standards. Deputy Dir, Ofc of Drug Standards. Dir Div of Bacterial Products. Dir-Div of Thera Drugs for Non Food Animals. Dir Ofc of Surveillance & Compliance. Dir Ofc of Scientific Evaluation. Director, Office of Research. Director Office of Human Food Safety. Dir Ofc of Voluntary Compliance & Operations. Dir, Div of Drugs Manufacturing & Controls. Dir Div of Biometrics & Production Drugs. Dir Div of Therapeutic Drugs for Food Animals. Dir Div of Veterinary Medical Research. Assoc Dir Scientific Infor & Education. Director, Division of Animal Feeds. Director Division of Risk Assessment. Assoc Director for Standards. Director Office of Compliance. Dir Ofc of Standards & Regulations. Dir Office of Science & Technology. Deputy Director, Office of Compliance. Dep Dir Office of Device Evaluation. Director, Div of Financial Management. Director, Division of Contracts & Grants. Associate Dir for Med Applications of Resch. Dir Ofc of Protection From Research Risk. Assoc Dir for Intramural Research.
Center for Veterinary Medicine.	
Center for Devices & Radiological Health.	
Immediate Office of the Director.	

# POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Nat'l Heart, Lung & Blood Institute.	Assoc Director for Review. Assoc Dir Epidemiology & Biometry Program. Chief, Sickle Cell Disease Br. Dir Div of Lung Diseases. Dep Dir Div of Lung Diseases. Dir, Div of Blood Diseases & Resources. Dir, A/Sclerosis, Hypertension & Lip Met Prog. Dep Director Div of Extramural Affairs. Assoc Dir, Clinical Appls Prevention Prog. Dep Dir Div of Blood Diseases & Resources.
Intramural Research.....	Chf Lab of Biochemical Genetics. Chf Lab of Biochemistry. Chief Lab of Molecular Hematology. Hd, Section on Chemistry. Chief, Laboratory of Chemical Pharmacology. Sr Rsch Chemist, Sect on Cell Biology. Chief Macromolecules Section. Dep Dir Div of Cancer Biology & Diagnosis. Chief, Laboratory of Cell Biology. Hd Biochemical Genetics Section. Assoc Chf-Lab/Immunobiology/Hd Humoral Immunit. Head, Cell Organization Sect, Lab Molecular. Hd, Protein Chemistry Section. Chief Laboratory of Biochemistry. Director, Extramural Research Program. Chf, Macromolecular Interactions Section. Chief, Dermatology Branch. Head, Cellular Immun of Mod Self Antigens Gr. Chief, Gene Regulation Section. Chief Laboratory of Immunobiology. Dir, Div of Cancer Etiology. Chief Lab of Biology. Chf Biometry Branch. Chief Clinical Epidemiology Branch. Chief Laboratory of Molecular Carcinogenesis. Chf Lab of Experimental Pathology. Head, Math Statistics & Applied Mathematics S. Head In Vitro Carcinogenesis Section. Associate Dir for Biological Carcinogenesis. Assoc Dir for Chem & Physical Carcinogenesis. Dep Dir, Div of Cancer Prevention & Control. Associate Director, Prevention Program. Assoc Dir, Centers & Community Oncology Prog. Associate Dir, Cancer Control Science Program.
Division of Cancer Biology & Diagnosis.	Dir, Div of Extramural Activities. Deputy Dir, Div of Extramural Activities.
Division of Cancer Etiology.	Dep Dir-Div of Cancer Treatment. Chf-Radiation Oncology Br. Chf-Drug Evaluation Branch. Chf-Lab of Medicinal Chemistry & Biology. Assoc Dir Radiation Research Program. Assoc/Dir Biological Response Modifiers Prog. Assoc Dir Prog Anal & Scientific Communication. Assoc Dir for Digestive Diseases & Nutrition. Dir Div Kidney, Urologic & Hematologic Diseases.
Division of Cancer Prevention & Control.	
Division of Extramural Activities.	
Division of Cancer Treatment.	
Natl Inst of Arthritis Diabetes & Digestive & K D.	



### POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions	Agency organization	Career reserved positions	Agency organization	Career reserved positions
	Dir Division of Extramural Activities. Assoc Dir for Diabetes, Endocrin & Metab Dis. Assoc Dir for Arthritis, Bone, Skin Diseases. Associate Director for Digestive Diseases. Associate Dir for Nutrition. Assoc Director for Research & Assessment. Assoc Dir Disease Prevention Technol Transfer. Chf, Laboratory of Nutrition & Endocrinology. Chf Sect on Enzymes & Cellular Biochemistry. Chf Sect on Intermediary Metabolism. Chief Section on Biochemical Mechanisms. Chf Sect on Biochemistry. Ch Sect Biochemistry of Amino Acids. Chf, Lab of Physical Biology. Chf, Section on Comparative Physiology. Chf, Section of Spectroscopy & Structure. Chf Sect on Metabolic Enzymes. Chf Sect on Physical Chemistry. Chief, Section on Molecular Structure. Sr Res Physicist, Mathematical Research Br. Sr Chemist, Clinical Endocrinology Br. Senior Research Chemist. Chief Lab of Chemistry. Senior Research Chemist. Chief, Laboratory of Bio-Organic Chemistry. Chief, Genetics and Biochemistry Branch. Chief Oxidation Mechanisms Section L B C. Chief Laboratory of Biochemistry & Metabolism. Dep Dir, Natl Lib of Medicine. Dep Dir for Res and Education. Associate Director for Library Operations. Assoc Dir for Extramural Programs. Dir, Lhnc for Biomedical Commun. Assoc Dir, Specialized Info Services. Asst Dir for International Programs. Dep Dir Lister Hill Natl Ctr for Biomed Comms. Associate Director for Planning. Director, Information Systems. Dir-Immunology-Allergic & Immunologic Disease. Assoc Director Intramural Research Program. Chf, Lab of Parasitic Diseases. Chf, Lab of Biology of Viruses. Chf, Laboratory of Microbial Immunity. Spec Asst for Biometry, Off Sci Dir. Hd, Molecular Virology Section. Director, Microbiology & Infectious Dis Progs. Chief, Lab of Immunogenetics. Director, Extramural Activities Program. Ch, Lab of Microbial Structure and Function. Chief Lab of Molecular Microbiology. Head Malaria Section. Scientific Dir NIA. Clinical Dir and Chf Clin Physiology Branch. Chief, Lab of Molecular Aging. Chief Lab of Cellular & Molecular Biology.		Associate Dir for Behavioral Sciences Res. Assoc Dir Biomed Res & Clinical Medicine Prog. Assoc Dir, Office of Extramural Affairs. Assoc Dir, Epidemi, Demo, & Biometry Program. Chief, Laboratory of Molecular Genetics. Dep Dir Center for Population Res. Chf, Endocrinology & Reproduction Research Br. Dir Epidemiology & Biometry Res Program. Director Ctr Forres for Mothers & Children. Chief Pregnancy Research Branch. Director Cntr for Population Research. Chf, Lab of Neurochemistry & Neuroimmunology. Chief Lab of Microbiology & Immunology. Chf, Laboratory of Dev Biology & Anomalies. Chf, Enzyme Chemistry Section. Assoc Dir, Extramural Research Program. Chief Mineralized Tissue Research Branch. Assoc Dir, Epidem & Oral Disease Preven Prog. Chf Lab of Pharmacology. Scientific Dir, NIEHS. Chf, Lab of Pulmonary Function and Toxicology. Hd, Cell Pharmacology Section. Chief, Lab of Genetics. Head Mutagenesis Section. Head Mammalian Mutagenesis Section. Dir Biometry & Risk Assessment Program. Dir Toxicology Research & Testing Programs. Dir, Cell & Molec Basis of Disease Prog. Dir Genetics Program. Assoc Dir for Program Activities. Dir, Pharmacological Sciences Program Branch. Dir Bio Phys Sciences Program Branch. Chf, Ofc of Biometry and Epidemiology. Dir Fundamental Neurosciences Program. Director, Communicative Disorders Program. Director, Stroke and Trauma Program. Clinical Dir, NINCDS Chief Lab of Central Nervous System Studies. Chf, Devel & Metab Neurology Branch. Chf Lab of Molecular Biology. Deputy Chief, Lab of Central Nervous Sys Stud. HD Cellular Neuropathology Section. Chief, Section on Neuroradiology. Chief, Lab of Biophysics. Chf, Lab of Neuropathology & Neuroanatomical S. Chf Lab of Neurochemistry. Chief, Neuronal Interactions Section. Chf, Surgical Neurology Branch. Chf, Lab of Neuro-Otolaryngology. Chief Laboratory of Molecular Genetics. Chief Biometry & Field Studies Branch. Clinical Director NETI. Chf, Lab of Vision Research. Chf, Ofc of Biometry & Epidemiology.		Dep Chief Ofc of Biometry and Epidemiology. Head Experimental Pathology Section. Dir, Intramural Research Program, NEI. Chief, Lab of Molecular & Dev. Biology. Chief, Laboratory of Sensorimotor Research. Chief, Lab of Ophthalmic Pathology. Assoc Dir, Biometry & Epidemiology Prog. Dep Assoc Dir, Biometry & Epidemiology Prog. NIH Clinical Center ..... Assoc Dir for Clin Care NIH & Dir Clin: AL Cen. Health Systems Administrator. Associate Director for Planning. Chief, Computer Center Branch. Chief, Lab of Applied Studies. Chief, Physical Sciences Lab. Chief, Data Management Branch. Dir, Div of Research Resources. Dep Dir, Div of Res Resources. Dir, Gen Clinical Res Center Program Branch. Chief, Referral & Review Branch. Chf Biomedical Engineering & Instrumentation. Chf Actuary. Dep Chief Actuary (Long-Range). Dep Chief Actuary Short Range SSA. Dep Assoc Commissioner for Programs. Director, Office of Programmatic Systems. Dir, Ofc of Computer Processing Operations. Dir, Office of Claims & Payment Requirements. Dir, Ofc. of Pre-Claims Requirement. Assoc. Commr. For Assessment. Deputy Associate Commissioner Assessment. Dir Ofc of Materiel Resources. Dir Ofc of Financial Resources. Director, Office of Acquisition and Grants. Deputy Inspector General. Asst Inspector General for Investigations. Assistant Inspector General for Audit. Asst IG for Fraud Control & Mgmt Operations. Deputy Asst Inspector Gen for Audit Operation. Dep Asst Insp Gen for Plng & Quality Control. Deputy Director of Personnel. Director, Office of Finance & Accounting. Dir Mortgage Insurance Accounting Serv Group. Director Ofc of Procurements & Contracts. Director, General & Program Accounting Group. Deputy Director Office of Finance & Accounting. Dep Dir for Accounting Policy & Planning. Dir Building Technology Division. Director, Field Monitoring Staff. Dir Ofc of HUD Program Compliance. Dir Ofc of Fair Housing Enforcement Sec 3.
Intramural Research		Natl Inst of Child Health & Human Development.			
		Natl Institute of Dental Research.		Division of Computer Research & Tech.	
		Natl Inst of Environmental Health Sciences.		Division of Research Resources.	
		Natl Inst of General Medical Sciences.		Division of Research Grants.	
		Natl Inst of Neuro & Comm Disorders & Stroke.		Division of Research Services.	
				Ofc of Actuary	
				Ofc of Hearings and Appeals.	
				Ofc of Systems Integration.	
				Ofc of Systems Operations.	
				Ofc of Systems Requirements.	
				Ofc of Assessment	
				Ofc of Mgmt, Budget, and Pers.	
				Department of Housing and Urban Development	
				Office of the Inspector General.	
				Assistant Secretary for Administration.	
				Asst Secy for Policy Development and Research.	
				Assistant Secretary for Housing.	
				Asst Secy for Fair Housing and Equal Opportunity.	
Natl Inst of Allergy & Infectious Diseases.					
Natl Inst of Aging		Natl Eye Institute			



### POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Bureau of Land Management.	Asst Chief, Ofc of Energy and Marine Geology. Assistant Chief Geology for Programs. Staff Assistant to Chief Geologist. Asst Dir—Technical Services. Asst Dir—Renewable Resources. Assistant Director, Administration. Asst Dir, Land Resources. Asst Dir Fluid Leasable Minerals. A/D/D Ener & min Res & A/D Min Res & Mining Law. Asst Dir Solid Leasable Minerals. Special Liaison for Tribal & Indian Lands.
Ofc of Surface Mining Reclam & Enforcement.	Administrator—Technical Center—East. Administrator—Technical Center—West. Spec Asst to the Asst Dir, Tech Servs & Res. Spec Asst to the Asst Dir, Tech Servs & Res. Spec Asst to the Asst Dir Prog Opers & Inspec. Dep Asst Dir Program Oper & Inspec (East).
Minerals Management Service.	Regional Manager, Gulf of Mexico OCS Region. Dep Associate Director for Off-shore Leasing. Chief, Leasing Management Division. Regional Manager, Atlantic OCS Region. Regional Manager, Alaska OCS Region. Assistant Assoc Dir for Offshore Minerals Mgt. Regional Manager, Pacific OCS Region. Dep Associate Dir for Royalty Management. Dep Associate Dir for Offshore Operations. Prog Dir Ofc of Strat & Inter Minerals Mgmt. Staff Economist.
Bureau of Indian Affairs.	Assistant Dir of Admin (Financial Manager). Dep Dir of Indian Ed Progs (Comptroller).
<b>International Development Cooperation Agency</b>	
Ofc of the General Counsel.	Deputy General Counsel.
Office of the Inspector General.	Asst Inspector General for Security. Asst Inspector General for Investigations. Assistant Inspector General for Audit.
Office of Equal Opportunity Programs.	Counsel to the Inspector General.
Bureau for Management.	Dir Ofc of Equal Opportunity Programs. Assistant to the Administrator for Management.
Office of Financial Management.	Controller and Senior Financial Officer. Deputy Controller.
Office of Personnel Management.	Dep, Dir, Office of Personnel Management.
Directorate for Program and Management Services.	Associate Director for Management. Dir Ofc of Contract Management. Dep Dir Ofc of Contract Management. Dir Commodity Management. Dir Office of Information Resource Management. Deputy Dir for Program Operations. Dir Ofc of Acquisition & Asst Management. Dir. Ofc of Management Operations.



POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
<b>Interstate Commerce Commission</b>	
Office of the General Counsel.	Associate General Counsel, Litigation.
Office of the Secretary.	Assoc Gen Counsel—Litigation.
Ofc of the Managing Director.	Secretary.
Bureau of Accounts.	Dir of Personnel.
Bureau of Traffic.	Director, Bureau of Accounts.
Office of Transportation Analysis.	Dep Dir, Bureau of Accounts.
Office of Compliance & Consumer Assistance.	Dir, Bureau of Traffic.
	Assoc Dir, Ofc of Transportation Analysis.
	Dir Ofc of Compliance & Consumer Assistance.
	Deputy Director for Enforcement.
	Associate Director.
	Deputy Director/Chief Section of Operations.
	Dep Dir for Policy Dev & Coordination.
	Assoc Dir, Ofc of Compliance & Consumer Asst.
Regional Offices.	Director.
	Regional Director (Boston).
	Regional Director (Philadelphia).
	Regional Director (Atlanta).
	Regional Director (Chicago).
	Regional Director (Fort Worth).
	Regional Director (San Francisco).
	Regional Director.
Office of Proceedings.	Associate Dir.
	Deputy Director.
	Deputy Director.
	Assistant Deputy Director.
	Assistant Deputy Director.
<b>Department of Justice</b>	
Office of the Attorney General.	Counsel on Professional Responsibility.
	Dep Counsel on Professional Responsibility.
Justice Management Division.	Asst Attorney General for Administration.
	Prin Dep Asst Atty General for Administration.
	Dir Audit Staff.
	Director Security Staff.
	Special Asst to the Asst Attorney Gen for Adm.
	Dir Library Staff.
	Deputy Director Audit Staff.
	Senior Management Counsel.
	Senior Management Counsel.
	Counselor to the Asst Attorney Gen for Admin.
	Associate Assistant Attorney General.
Office of the Controller.	Deputy Assistant Attorney General.
	Director, Budget Staff.
	Dir Finance Staff.
	Director, Evaluation Staff.
Office of Personnel and Administration.	Deputy Assistant Attorney General.
	Director Personnel Staff.
	Director Administrative Services Staff.
	Director General Services Staff.
Office of Information Technology.	Deputy Assistant Attorney General.
	Dir Computer Techn & Telecommunications Staff.
	Director, Systems Policy Staff.
	Director, Litigation Systems Staff.
	Director, Information Systems Staff.
Executive Office for Immigration Review, Immigration and Naturalization Service.	Chief Immigration Judge.
	Assistant to the Director.
	Exec Asst to the Commissioner.
	Comptroller.
	Asst Commissioner for Detention & Deportation.
	Assistant Commissioner for Border Patrol.
Associate Commissioner for Information Systems.	Assistant Commissioner for Records Systems.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Associate Commissioner for Examinations.	Asst Commissioner for Adjudication & Natural.
Associate Commissioner for Enforcement.	Asst Comm for Inspections.
Associate Commissioner for Management.	Assistant Commissioner for Investigations.
District Offices—INS.	Asst Commissioner for Administration.
Community Relations Service.	Dist Director, SW Region, San Francisco Dis.
	District Director—San Diego.
	Regl Director, Region IX, San Francisco.
	Regl Director, Region III, Philadelphia.
Executive Ofc for U.S. Attorneys.	Dep Dir, Exec Ofc for US Attorneys.
	Dir Ofc of Mgmt Information Systems Support.
	Senior Management Advisor.
Federal Prison System.	Asst Dir for Planning and Development.
	General Counsel.
	Assoc Commr, Fed Prisons Industries, Unitor.
	Dep Assoc Commr—Sec, Fed Prison Industries, I.
	Dep Assoc Commr for Fed Prison Industries.
	Dep Asst Dir for Edu and Vocational Training.
	Deputy Asst Dir for Admin.
	Deputy Associate Commissioner.
	Dep Asst Dir Medical/Servs Div PD# Q5002463.
Office of Correctional Programs.	Dep Asst Dir for Correctional Programs.
	Asst Dir Correctional Programs Div.
Northeast Region.	Regional Director.
	Warden, Lewisburg, PA.
	Warden, Otisville, New York.
	Warden—Petersburg, VA.
	Warden.
Southeast Region.	Regional Director.
	Warden Atlanta.
	Warden, Lexington Kentucky.
North Central Region.	Regional Director.
	Warden Leavenworth Kansas.
	Warden.
	Warden.
South Central Region.	Regional Director.
	Warden Terre Haute, IN.
	Warden Rochester MN.
Western Region.	Regional Director.
	Warden El Reno Okla.
	Warden Terminal Island, CA.
	Warden, Lompoc, CA.
	Gen Counsel.
Office Justice Assistance.	Dep Admin Ofc of Juvenile Justice/Delin Prev.
Ofc of Juvenile Justice and Delinquency Prevention.	Asst Dir, Ofc of Research Programs.
National Institute of Justice.	Asst Dir, Ofc of Dev Testing & Dissemination.
	Deputy Dir, Bureau of Justice Statistics.
Bureau of Justice Statistics.	Associate Director for Administration.
U.S. Marshals Service.	Associate Director for Operations.
	Assistant Director for Inspections.
	Assistant Director for Financial Management.
<b>Department of Labor</b>	
Ofc of the Inspector General.	Deputy Inspector General.
	Asst Inspector Gen for Investigations.
	Asst Inspector Gen for Audit.
	Deputy Assistant Inspector General for Audit.
	Dir Ofc Resource Mgmt & Legislative Asst.
	Asst Inspector Gen for Labor Racketeering.
	Dir, Ofc of Resource Mgmt & Legislative Asst.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Office of the Solicitor.	Deputy Solicitor (Regional Operations).
	Associate Solicitor for Labor-Management Laws.
	Assoc Solicitor for Plan Benefits Security.
	Assoc Solicitor for Civil Rights.
	Assoc Solicitor for Occupational Safety & Hlt.
	Assoc Solicitor for Mine Safety & Health.
	Assoc Solicitor for Fair Labor Standards.
	Assoc Solicitor for Employee Benefits.
	Associate Solicitor for Spec Litigation.
	Assoc Sol for Spec Appel & Sup Court Lit.
	Assoc Solic for Occupat Safety & Health.
	Associate Solicitor for Fair Labor Standards.
Regional Solicitors.	Regional Solicitor.
	Regional Solicitor Region IV-Atlanta.
	Regl Solicitor Boston.
	Regl Solicitor New York.
	Regional Solicitor Philadelphia.
	Regl Solicitor Dallas.
	Regl Solicitor Kansas City.
	Regl Solicitor San Francisco.
OAS for Administration and Management.	Asst Sec'y for Admin & Mgmt.
	Dep Asst Sec for Adm and Mgmt.
	Dir Admin Serv & Safety & Health Programs.
	Dir Ofc of Budget.
	Dir Ofc Labor Mgmt Relations.
	Dir of Management Policy and Systems.
	Comptroller for the Department.
	Dir of Personnel Management.
	Dep Dir of Personnel Management.
	Deputy Comptroller.
	Dir Ofc of Information Technology.
	Deputy Director Office of Civil Rights.
	Dir, Ofc of Civil Rights.
	Dir of Procurement & Grants Management.
	Dir Natl Capital Service Center.
	Director of Information Resources Management.
	Dir Ofc of Mgmt, Administration and Planning.
Office of Management, Administration and Planning.	Director Division of Programs Operations.
Ofc of Federal Contract Compliance Programs.	Asst Admin for Program Operations.
Wage and Hour Division.	Asst Admin for Policy Planning & Review.
	Dir Federal Employees Compensation.
Ofc of Workers Compensation Programs.	Dir Coal Mine Workers Compensation.
	Director, Office of Management.
Office of Management.	Assistant Administrator for Enforcement.
Office of Pension & Welfare Benefit Programs.	Dep Administrator for Program Operations.
	Asst/Admnr for Regulations & Interpretations.
	Assistant Administrator for Prog Services.
	Deputy Asst Admin for Program Services.
	Asst Director for Compliance & Enforcement.
Office of Labor Management Standards.	Dir Ofc of Standards, Tech Asst & Disclosure.
	Dir Ofc of Elect Trustshp/Intern'l Union Audit.
Bureau of Labor Statistics.	Assoc Commr for Field Operations.
Data Analysis.	Assoc Commr, Occ Safety & Health Stat.
	Assoc Commr, Economic Growth.
	Assoc Commr for Prices and Living Conditions.



POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Administrative and Internal Operations.	Assoc Commr Productivity & Technology. Assoc Commr for Wages & Industrial Relations. Assoc Commissioner for Research & Evaluation. Assoc Commr for Employment & Unempl Statistics. Dep Assoc Commr for Prices & Liv Conditions. Asst Commr for Consumer Prices & Price Indexes. Asst Commr for Indust Prices & Price Indexes. Dep Assoc Commr for Empl & Unempl Statistics. Asst Commissioner for Mathematical Statistics. Dep Commr for Adm and Internal Operations. Assistant Commissioner for Administration. Assistant Commissioner for Survey Processing. Assistant Commissioner for Tech & Operations Rev. Reg Commr-BLS (Chicago).
Regional Commissioners. Employment and Training Admin. Office of Employment Security. Office of Financial Control and Management Systems.	Adm. Office of Program & Fiscal Integrity. Director, Ofc of Trade Adjustment Assistance. Admin Ofc of Financial Control & Mgmt Sys. Dep Admr Ofc of Fin Control & Mgmt Systems. Dir Ofc of Management & Information Sys. Comptroller. Dir, Adm Progs. Dir. Health Standards Programs.
Administrative Programs. Health Standards Programs. Safety Standards Programs. Federal State Operations. Technical Support. Mine Safety and Health Administration.	Director Safety Standards Programs. Director, Federal State Operations. Dir Tech Support. Chf of Standards, Regulations & Variances. Director of Administration and Management. Director of Technical Support.
<b>Merit Systems Protection Board</b>	
Ofc of Managing Director.	Managing Dir. Assistant Managing Director for Management. Asst Managing Dir for Regional Operations. Assoc Asst Managing Director for Management.
Ofc of General Counsel.	Deputy General Counsel. Associate General Counsel for Litigation.
Office of Appeals Counsel. Organization Abolished. Regional Offices.	Associate Director Office of Appeals Counsel. Director of Administration. Regional Director, New York. Regional Director, San Francisco. Regional Director, Chicago. Regional Director, Atlanta. Regional Director, Philadelphia. Regional Director, Dallas. Regional Director, Washington, D.C.
<b>National Aeronautics and Space Administration</b>	
Office of the Comptroller. Institutional Analysis Division. Financial Management Division. Resources Analysis Division. Budget Operations Division.	Asst Compt for Prog Status Rev & Cost Assess. Director Institutional Analysis Division. Dir Financial Mgmt Div. Dep Dir, Financial Management Div. Dir Resources Analysis Division. Dir, Budget Operations Div.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Ofc of Chief Engineer, NASA.	Director, Safety Division. Dir, Reliability & Quality Assurance Division. Dep Chief Engr for Safety Reliability & Q/A. Deputy Chief Engineer. Dir Safety Reliability & Quality Assur Progs. Director, Engineering Division. Manager, Information Systems Office. Dep Dir Earth Science & Applications Division. Chief, Atmospheric Processes Branch. Chief, Oceanic Processes Branch. Discipline Chief Agristars Program. Discipline Scientist Interplanetary Physics. Chf, Atmospheric Dynamics and Radiation Br. Chief Land Processes Branch. Deputy Director Communications Division. Chf, Res & Tech Development Branch. Manager Operational Medicine. Chief, Flight Programs Branch. Deputy Dir Admin & Resources Mgmt Division. Dep Dir, Adm & Resources Mgt Division. Dep Dir Solar System Exploration Division. Chief, Non-Renewable Resources Branch. Chief Scientist (Geodynamics Program). Chief, Geodynamics Branch. Chief Mission Operations & Information Sys Br. Chief, Planetary Science Branch. Chief, Advanced Development Branch. Dep Dir, Spacelab Flight Div.
Information Systems Office. Environmental Observations Division.	
Communications Division. Life Sciences Division.	
Administration and Resources Management Division.	
Earth and Planetary Exploration Division.	
Shuttle Payload Engineering Division.	Mgr, Advanced Instrumentation & Sensor Engineer. Chf, Space Science Missions Branch. Chief Astrophysics Payload Branch. Dep Director Astrophysics Division (Science). Manager, Advanced Programs & Technology. Chf, High Energy Astrophysics Br. Chief, Astronomy/Relativity Branch. Chief, Observatories Development Branch. Chf, Solar & Heliospheric Physics Br. Asst Director, Astrophysics Div (Technical). Chief, Flight Programs Branch. Dir Space Telescope Development Division. Asst Admr for Procurement. Deputy Asst Admr for Procurement. Director, Program Operations Division. Director, Procurement Policy Division. Dir Procurement Management Division. Dir Contract Pricing & Finance Office. Dir. Plans, Policy & Evaluation Division. Director, Program Support Office. Deputy Assistant Administrator (Programs). Dir, Small Business Innovation Res Office. Chief, Industry Affairs Division.
Astrophysics Division.	
Space Telescope Development Division. Office of Procurement.	
Ofc of Asst Admr for Commercial Programs.	
Government Affairs Division.	

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Ofc of the Assoc Admr Space Flight.	Spec Asst to the Dep Assoc Admr (Tech). Tech Asst to the Asst Assoc Admr (Space Shut). Chf, Platforms & Services Branch.
Advanced Programs & Plans. Resources and Institutions Office.	Deputy Dir Resources & Institutions Ofc. Chief Sts Program Budget and Control.
Space Transportation Support Program Division.	Chief, Sts/Centaur Program Branch. Dep Dir, Space Transp Support Prog Div.
Spacelab Division.	Chief, Development Branch. Chief, Operations Branch.
Customer Services Division.	Chf, Commercial & Foreign Utilization Branch. Chief, DOD Utilization Branch. Chief, NASA Utilization Branch. Chief, Policy/Business Development Branch. Special Assistant to the Director. Deputy Director, Customer Services Division.
Space Shuttle Operations Office.	Director, Shuttle Operations Division. Deputy Director, Shuttle Operations Division. Chief, Operations Integration. Director Space Shuttle Orbiter Division. Director Shuttle Orbiter Division. Deputy Director, Shuttle Propulsion Division. Chief, External Tank Programs. Mgr, Spc Shuttle Propulsion Pro/Oper Support. Director, Shuttle Propulsion Division.
Orbiter Programs Division.	Dir, Flight & Turnaround Operations Div.
Propulsion Division.	Dir Aircraft Management Ofc.
Flight & Turnaround Operations. Office of the Associate Administrator, Management.	
Headquarters Administration Division.	Dep Dir Headquarters Administration Division.
Facilities & Engineering and Computer Management Div.	Dir Facilities Engineering Div.
Logistics Management and Information Programs Division.	Dep Director Facilities Eng Div. Dir, Logistics Mgmt & Info Programs Division. Chf Scientific and Tech Info Br. Dep Dir, Logistics Mgmt & Info Prog Div.
Personnel Programs Division. Information Systems Division.	Dir Personnel Programs Div. Dep Dir Personnel Progs Div. Director Automated Information Systems Div.
Ofc of the Assoc Admr, Aeronautics and Space Tech. Ofc of Director for Aeronautics.	Spec Asst to the Associate Administrator. Deputy Director for Aeronautics Manager, Fluid and Thermal Physics.
Ofc of Dir for Space.	Assistant Director for Aeronautics A/D for Aeronaut (Gen Aviat & Trans Aircraft). S/A to the Director (Military Programs). Deputy Director for Space. Asst Dir for Space (Space Station Technology). Dep Dir for Space (Program Development). Deputy Director for Institutions.
Ofc of Dir for Institutions.	Deputy Director for Resources. Assistant Director for Facilities. Deputy Director, Aerodynamics Division.
Aerodynamics Division.	Deputy Director into Sci & Human Factors Div.
Information Sciences & Human Factors Division.	
Materials & Structures Division.	Director, Materials and Structures. Deputy Director, Materials and Structures.



POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Propulsion, Power, & Energy Division.	Dir, Propulsion, Power and Energy Division.
Flight Projects Division.....	Deputy Director (Aeronautics).
Policy & Plans Office.....	Deputy Director, Flight Projects Division.
Engineering Division.....	Chief, Plans Integration Branch.
Ofc of the Assoc Admr, Space Tracking and Data Systems.	Deputy Dir Policy & Plans Office.
Network System Division.	Chief Cooperative Programs Plans Branch.
Communications and Data Systems Division.	Chief Sys/Management Engineering Branch.
Deep Space Network Operations Programs.	Deputy Dir Engineering Division.
TDRSS Division.....	Dir/A/A Space Tracking & Data Systems (Networks).
Discrimination Complaints Division.	Spec Asst (Operations).
Office of the Inspector General.	Dep Director Network Systems Division.
Ames Research Center.....	Dir, Communications & Data Systems Div.
Aerospace Systems Directorate.	Assoc Dir, Communications & Data Systems Div.
Space Research Directorate.	Manager, Deep Space Network Operations Progra.
Engineering and Technical Services Directorate.	Assoc Dir, Tracking & Data Relay/SSPD.
Aerophysics Directorate.....	Deputy Director TDRSS Division.
Johnson Space Center.....	Chief, TDRSS Operations.
Center Support.....	Director, Discrimination Complaints Division.
Space Operations.....	Assist Inspector General for Investigation.
Goddard Space Flight Center.	Assistant Inspector General for Auditing.
Management Ops Directorate.	Asst Inspector General for Technical Services.
Flight Assurance Directorate.	Assoc Dir, NASA Ames Res. Ctr. Chief Engineer.
	Dep Dir of Aeronautics and Flight Systems.
	Chief, Aerodynamics Division.
	Chf, Ames Res Aircraft Operations Division.
	Chf Flight Systems & Simulation Rsch Div.
	Chf, Rotocraft & Powered-Lift Flight Proj Div.
	Deputy Dir Aerospace Systems Directorate.
	Deputy Director of Space Research.
	Chief, Cardiovascular Research Office.
	Chief, Life Sciences Division.
	Chief, Biosystems Division.
	Chief Aero-space Human Factors Research Div.
	Dep Director Engineering & Tech Svcs.
	Deputy Director of Astronautics.
	Chief, Airborne Mission & Applications Div.
	Chief, Space Science Division.
	Chief, Thermo- and Gas-Dynamics Division.
	Chief Computational Fluid Dynamics Branch.
	Chf, Systems Engineering Div.
	Chief, Information Sciences Office.
	Deputy Director of Aerophysics.
	Chief, Fluid Dynamics Division.
	Chief, Computer Systems Division.
	Chief Therosciences Division.
	Aerophysics Div.
	Chf Engineer.
	Chief Dryden Aircraft Operations Division.
	Chief Flight Support Division.
	Deputy Chief Dryden Research Aircraft Oper Di.
	Chief Shuttle Project Office.
	Chief, Research Engineering Division.
	Comptroller.
	Chief Counsel.
	Dep Dir of Management Operations.
	Procurement Officer.
	Director of Flight Assurance.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Flight Projects Directorate.	Deputy Director of Flight Projects.
	Dep Dir Flight Proj Space Telescope Goddard.
	Assoc Dir of Flight Proj for User Systems.
	Assoc Dir of Flight Proj for Sys Mgmt.
	Assoc Dir of Flight Projects for New Projects.
	Project Mgr, Tracking & Data Relay Satellite Sy.
	Assoc Dir of Flight Proj for Mission Systems.
	Manager Adv Land Obser Sys Studies Ofc.
	De Dir Flight Proj Ping Business Management.
	Dep Dir of Flight Proj for Space Stat-Goddard.
	Mgt. Gfc Work Package, Space Station Project.
	Project Manager, Metsat Project.
	Assoc Dep Dir of Fit Proj/Space Sta Proj-GDD.
Mission Operations & Data Systems Directorate.	Asst Dir or Mission & Data Ops (Rsch & Tech).
	Deputy Dir of Mission Operations & Data Sys.
	Dep Dir of N/Works for the TDRS.
	Chief Networks Division.
Space & Earth Sciences Directorate.	Deputy Director (Research).
	Deputy Director (Projects).
	Chief, Lab for Atmospheric Sciences.
	Head, Electrodynamics Branch.
	Chief, Lab for High Energy Astrophysics.
	Chief, Lab for Astronomy and Solar Physics.
	Chief, Lab for Extraterrestrial Physics.
	Asst Dir for Space Station (Mission Planning).
	Chief Laboratory for Atmospheres.
	Chief, Space Data and Computing Division.
	Special Assistant to the Director.
	Special Assistant to the Director.
	Chief, Laboratory for Terrestrial Physics.
	Dep Dir, Space and Earth Sciences.
	Associate Director for Program Planning.
	Associate Director for Space Station.
Engineering Directorate.....	Dep Dir of Engineering.
	Chief, Instrument Division.
	Chf, Applied Engineering Div.
	Chief, Space Technology Division.
	Asst Dir of Engineering for Development Proj.
	Assistant Director for Technical Resources.
Johnson Space Center.....	Assistant Director (Plans).
	Dir of Public Affairs.
	Special Assistant to the Director.
Center Support.....	Deputy Dir Center Operations.
	Deputy Dir Admin.
	Dir Admin.
	Dir of Procurement.
	Dir Center Operations.
	Assistant Director, Administration.
Space Operations.....	Assistant to the Director of Space Operations.
	Chief, Astronaut Office.
	Chief, Aircraft Operations Division.
	Chief Training Division.
	Chief, Mission Planning & Analysis Division.
	Director, Mission Operations.
	Deputy Director Mission Operations.
	Deputy Director, Mission Support.
	Chief Operations Division.
	Chief, Systems Div.
	Asst for Planning Assessment.
	Assistant Director for Operations.
	Asst Dir for Systems.
	Chief, Flight Director Office.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Research & Engineering.	Deputy Director, Engineering.
	Assistant Director, Space & Life Sciences.
	Chief, Tracking & Communications Division.
	Chief, Avionics Systems Div.
	Chief, Propulsion & Power Division.
	Chief, Structures and Thermal Division.
	Chief, Systems Engineering Division.
	Chf., Crew Systems Div., Engineering & Dev.
	Chief Solar System Exploration Division.
	Chief, Medical Sciences Division.
	Director, Engineering.
Natl Space Transp Sys Prog Ofc.	Dep Manager Natl Space Trans System Office.
	Manager, Mission Integration Office.
	Manager Systems Integration.
	Manager Operations Integration.
	Manager STS Integration & Operations Office.
	Dep Manager STS Integration & Operations Ofc.
	Manager STS Orbiter & GFE Projects Office.
	Deputy Manager STS Orbiter & GFE Projects Ofc.
Space Station Project Office.	Manager, Data Management & Operations Office.
	Deputy Manager, Space Station Projects Office.
	Manager Project Engineering Office.
Space Shuttle Projects Ofc.	Mgr, Shuttle Flight Equip Proj Ofc.
	Asst Manager, Space Shuttle Projects Ofc.
	Dep Mgr, Space Shuttle Projects Office.
	Manager, Shuttle Avionics Office.
Safety, Reliability & Quality Assurance.	Dir, Safety, Reliability, & Quality Assurance.
	Dep Dir, Safety, Reliability & Qual Assurance.
STS Operations Program Office.	Manager, Customer Integration Office.
	Dep Manager, Space Station Program Office.
	Manager, Sys Engineering & Integration Office.
	Manager, Integration & External Affairs Ofc.
NASA White Sands Test Facility.	Manager, NASA White Sands Test Facility.
Kennedy Space Center ..	Dir, Exec Management Ofc.
	Associate Deputy Director.
Comptroller.....	Deputy Comptroller.
Biomedical Office.....	Chf., Biomedical Office.
Public Affairs.....	Dir Public Affairs.
Safety, Reliability and Quality Assurance.	Dir., Safety, Reliability & Quality Assurance.
Shuttle Management Operations.	Manager Space Station Projects Office.
Chief Engineer.....	Chief Engineer.
KSC Off-Site Operations Shuttle Project.	Manager, KSF Off-Site Operations Shuttle Proj.
Shuttle Processing.....	Director, Launch and Landing Operations.
OIC Engineer.....	Director, Shuttle Engineering.
Launch Support Services.	Director, Launch Support Services.
Information Systems.....	Deputy Director of Shuttle Operations.
Center Support Operations.	Director of Information Systems.
	Director of Center Support Operations.
	Deputy Director of Center Support Operations.
	Deputy Director of Engineering Development.
Engineering Development.	Director, Project Management.
Project Management.....	Dir., Mechanical & Facilities Engineering.
Mechanical and Facilities Engineering.	Director, Electronic Engineering.
Electronic Engineering.....	Deputy Director, Cargo Operations.
Cargo Management and Operations.	



POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
STS Cargo Operations.....	Director, STS Payload Operations.
Deployable Payloads.....	Director, Deployable Payloads.
Shuttle Logistics.....	Dir, Shuttle Logistics.
Shuttle Engineering.....	Director of Shuttle Engineering.
Langley Research Center.....	Assoc. Dir, NASA Langley Res Center.
Projects Directorate.....	Manager, Aeronautical Systems Office.
Electronics Directorate.....	Chf., Analysis & Computation Division.
	Chf., Flight Dynamics and Control Division.
	Chf., Flight Electronics Division.
	Chf. Instrument Research Division.
	Chief Flight Control Systems Division.
Structures Directorate.....	Chf., Acoustics & Noise Reduction Div.
	Asst Chief, Acoustics & Noise Reduction Div.
	Chief, Structures and Dynamics Division.
	Chf., Materials Division.
	Chief, Loads and Aeroelasticity Division.
Aeronautics Directorate.....	Chief Transonic Aerodynamics Div.
	Chief, High-Speed Aerodynamics Div.
	Chief, Low-Speed Aerodynamics Division.
Space Directorate.....	Chief, Space Systems Division.
	Chief Atmospheric Sciences Division.
	Deputy Manager, Space Station Office.
	Manager Evolutionary Definition Office.
Systems Engineering and Operations Directorate.....	Assistant Dir for Systems Engineering Oper.
	Chief Facilities Engineering Division.
	Chief Systems Engineering Div.
Flight Systems Directorate.....	Chf, Guidance and Control Division.
Lewis Research Center.....	Dep Dir Ofc of Rsch & Technology Assessment.
Administration & Computer Services.....	Chief, Computer Services Division.
	ADP Planning and Acquisitions Officer.
Aeronautics Directorate.....	Chief Internal Fluid Mechanics Division.
	Chf, Propulsion Systems Div.
	Chief Aeropropulsion Facilities & Exper Div.
	Deputy Director of Aeronautics.
Space Station Systems Directorate.....	Dep Dir of Space Station Systems.
	Chief Power Sys Engineering Division.
Aero Space Technology Directorate.....	Dep Dir of Aerospace Technology.
	Chief, Space Propulsion Technology Division.
	Chief, Materials Division.
	Chief, Structures Division.
Space Flight Systems Directorate.....	Chief, Space Communications Division.
	Manager Acts Project Office.
	Manager, Atlas Centaur Project Office.
	Manager Shuttle/Centaur Project Office.
	Chief, Space Transportation Engineering Div.
	Chief, Engineering Design Division.
Engineering & Technical Services Directorate.....	
Marshall Space Flight Center.....	Center Comptroller, NASA MSFC.
	Executive Assistant to the Director.
	Dir Admin Operations Office.
Science and Engineering.....	Dep Dir, Science & Engineering.
	Assoc Dir for Engineering.
	Chf Engineer, Solid Rocket Booster Integration.
	Chf, Engineer, Space Shuttle Main Engine.
	Chf Engineer, Space Telescope.
	Dir, Reliability & Quality Assurance Ofc.
	Chf Guidance Cont and Instrumentation Div.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
	Dir, Materials & Processes Laboratory.
	Director, Space Sciences Lab.
	Chf, Atmospheric Sciences.
	Director, Structures & Propulsion Laboratory.
	Dep Dir Structures and Propulsion Lab.
	Director, Syst Anal & Integration Laboratory.
	Dep Dir Sys Analysis and Integration Lab.
	Chf Mission Analysis Division.
	Director, Systems Dynamics Laboratory.
	Chf, Aerophysics Div.
	Dir—Test Laboratory.
	Deputy Director Materials and Processes Lab.
	Deputy Associate Director for Engineering.
	Chf Engineer, External Tank Project.
	Chf Engineer, Space Shuttle Main Propul Sys.
	Dep Dir, Systems Dynamics Laboratory.
	Director Information & Electronic Sys Lab.
	Dep Dir Information & Electronic Systems Lab.
Spacelab Payload Project.....	Dep Mgr, Spacelab Payload Proj Ofc.
	Manager Applications & Technology Missions.
	Manager, Science Payload Projects.
Space Station Projects Office.....	Manager, Space Station Projects Office.
Spacelab Program Office.....	Deputy Manager, Spacelab Program Office.
Program Development.....	Deputy Director, Program Development.
Shuttle Projects Office.....	Director, Preliminary Design Office.
	Manager, External Tank Project Office.
	Manager, Solid Rocket Booster Project Office.
	Manager, Flight Engine Project.
	Deputy Manager for Development.
	Manager, Development Engine Project.
	Deputy Manager for Production & Logistics.
	Manager, Systems Management Office.
Space Telescope Project Office.....	Deputy Manager, Space Telescope Project.
	Manager Optical Telescope Project Office.
	Dep Mgr for Sys Engineering & Integration.
	Manager Support System Module Project Office.
	Dep Dir, Administration & Program Support.
	Director, Procurement Office.
	Deputy Manager.
	Deputy Manager—Programs.
	Dir, Earth Resources Laboratory.
National Space Technology Laboratories.....	
National Archives & Records Administration.....	
National Archives & Records Administration.....	Deputy Archivist of the United States.
	Asst Archivist for Federal Records Centers.
	Asst Archivist for Records Administration.
	Director, Lyndon B. Johnson Library.
	Director, Harry S. Truman Library.
	Director Dwight D. Eisenhower Library.
National Capital Planning Commission.....	
National Capital Planning Commission Staff.....	Assoc Exec Dir Regional Affairs.
	Executive Director.
	Assoc Exec Dir D.C. Affairs.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
	General Counsel.
	Assistant Executive Director for Operations.
National Endowment for the Arts.....	Director of Program Coordination.
National Endowment for the Humanities.....	Director of Administration.
National Endowment for the Humanities.....	Director of Administration.
National Labor Relations Board.....	
Ofc of the Board Members.....	Executive Secy.
Div of Enforcement Litigation.....	Deputy Executive Secretary.
	Deputy Assoc. Gen. Counsel Appellate Court Br.
	Director, Office of Appeals.
Div of Advice.....	Associate Gen Counsel, Div of Advice.
Div of Administration.....	Deputy Assoc. Gen. Counsel.
	Director of Administration.
	Deputy Director of Administration.
Div of Operations Management.....	Assoc General Counsel, Div of Operation—Mgmt.
	Dep Assoc Gen Counsel, Div of Operations—Mgmt.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Asst to the General Counsel.
Regional Offices.....	Regl Dir Reg 1 Boston.
	Regional Director, Reg. 2, New York.
	Regional Director, Reg. 3, Buffalo.
	Regl Dir Reg 4 Philadelphia.
	Regional Director, Reg. 5, Baltimore.
	Regional Director, Reg. 6, Pittsburgh.
	Regional Director, Reg. 7, Detroit Mich.
	Regional Director, Reg. 8, Cleveland.
	Regional Director, Reg. 9, Cincinnati.
	Regl Dir, Reg. 10, Atlanta.
	Regl Dir Reg. 11, Winston Salem.
	Regional Director, Reg. 12, Tampa.
	Regional Director, Reg. 13, Chicago.
	Regl Dir Reg 14 St Louis.
	Regl Dir Reg 15 New Orleans.
	Regl Dir Reg 16 Ft Worth.
	Regl Dir Reg 17 Kansas City.
	Regl Dir Reg 18 Minneapolis.
	Regl Dir Reg 19 Seattle.
	Regional Dir, Reg 20, San Francisco.
	Regional Director, Reg. 21, Los Angeles.
	Regional Director Reg 22 Newark.
	Regional Director Reg 23 Houston, Texas.
	Regional Director Reg 24 Hato Rey, Puerto Rico.
	Regl Dir, Reg 25, Indianapolis.
	Regl Dir Reg 26 Memphis.
	Regl Dir Reg 27 Denver.
	Regl Dir, Reg. 28 Phoenix.
	Regl Dir Reg 29 Brooklyn.
	Regl Dir Reg 30 Milwaukee.
	Regl Dir, Reg 32, Oakland.
	Regional Director, Reg. 33 Peoria, Ill.
	Regl Dir Reg 31 Los Angeles.
National Science Foundation.....	
Office of the Director.....	Senior Staff Assoc. for Inter-Agency Affairs.
	Senior Staff Associate.
	Special Assistant.
	Special Assistant.
	Special Assistant.



POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Office of the General Counsel.	Special Assistant. Deputy General Counsel.
Organization Abolished....	Deputy Director and Head, Audit Office.
Office of Budget, Audit, and Control.	Director, Evaluation Staff.
Division of Audit and Oversight.	Division Director.
Division of Budget.....	Division Director.
Division of Program Analysis Evaluation.	Division Director.
Office of Legislative and Public Affairs.	Executive Assistant to Director.
Directorate for Astro, Atmos, Earth and Ocean Sciences.	Executive Officer.
Division of Astronomical Sciences.	Section Head, AST Center Section. Section Head, AST Research Section.
Division of Atmospheric Sciences.	Section Head Grant Programs Section. Section Head—Ctrs and Facilities Program Sec.
Division of Ocean Sciences.	Sec Hd, Oceanographic Ctrs & Facilities Sec. Section Head Ocean Sciences Research Section.
Division of Polar Programs.	Deputy Division Director. Manager Polar Ops Section Exec/Assoc/Arctic Science Policy and Research.
Directorate for Engineering.	Senior Staff Associate.
Div of Electrical, Communications & Systems Engineering.	Director of Special Activities. Deputy Division Director.
Div of Chemical, Biochemical and Thermal Engineering.	Deputy Division Director.
Div of Mechanics, Structures, and Materials Engineering.	Deputy Division Director.
Directorate for Biological, Behavioral Social Sciences.	Executive Asst/Planning. Executive Officer.
Division of Biotic Systems and Resources.	Deputy Division Director.
Office of Biotechnology Coordination.	Office Head.
Division of Behavioral and Neural Sciences.	Deputy Division Director.
Division of Social and Economic Sciences.	Sect Head Political & Policy Sciences Sect. Deputy Division Director. Senior Scientist. Deputy Division Director. Senior Scientist.
Division of Cellular Biosciences.	Deputy Division Director.
Division of Molecular Biosciences.	Deputy Division Director.
Directorate for Mathematical and Physical Sciences.	Senior Staff Exec Officer. Senior Staff Executive Officer. Senior Staff Associate for Planning. Senior Staff Associate for Operations.
Division of Physics.....	Deputy Division Dir. Section Head Nuclear Science Section. Senior Staff Associate. Deputy Division Director.
Division of Mathematical Sciences.	Deputy Division Director.
Division of Computer Research.	Head, Spec Prog in Materials Research Section.
Division of Materials Research.	Sect Head, Metallurgy, Polymers, & Ceramics. Sect Hd Cond Matter Science. Senior Staff Scientist. Sect Hd Chem Syn and Anal. Sect Hd Phy Chem and Dynam. Senior Staff Associate.
Division of Chemistry.....	
Director for Science & Engineering Education.	

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Office of College Sciences Instrumentation.	Office Head.
Planning and Special Projects Staff.	Senior Planning Officer. Senior Staff Assoc for Strategic Plan Asses.
Division of Policy Research and Analysis.	Section Head, Science & Innovation Pol. Sec. Section Head, Policy Sciences Section. Section Head Technology & Resource Policy Sec. Dep Division Director. Section Head, Sci & Tech Pers. Deputy Division Director. Head, Special Program Section. Head, Industrial Countries Section. Head, Developing Countries Section.
Division of Sciences Resources Studies.	Senior Advisor on International Science Pol.
Division of International Programs.	Section Head Industrial Support Section. Senior Staff Associate. Dep Dir for Intergovernmental Progs. Prgrm. Dir. Exper. Progs.—Stimulate Comp. Rsch. Senior Staff Associate. Director Reform '88 Project Coordinat Staff. Senior Staff Associate Division Director.
Division of Industrial Sciences & Technol Innovat.	Division Director.
Division of Research Initiation & Improvement.	Division Director.
Directorate for Administration.	Deputy Managing Director.
Division of Grants and Contracts.	Dir Bureau of Administration.
Division of Financial Management.	Director Bureau of Accident Investigation.
Division of Personnel and Management.	Dep Dir for Operations. Director, Bureau of Field Operations.
<b>National Transportation Safety Board</b>	Dir Bureau of Technology. Deputy Director of Technology. Director, Bureau of Safety Programs. Supv Transportation Safety Spec (Dep Dir).
Office of the Managing Director.	
Bureau of Administration.	
Bureau of Accident Investigation.	
Bureau of Technology.....	
Bureau of Safety Programs.	
<b>Nuclear Regulatory Commission</b>	
Atomic Safety and Licensing Brd Panel.	Chairman ASLBP. Deputy Chief Administrative Judge Executive. Chairman ASLAP.
Atomic Safety and Licensing Appeal Panel.	
Office of Inspector and Auditor.	Director, Office of Inspector & Auditor. Dir OIA. Dep Dir and Asst Dir for Audits. Deputy Director, Ofc of Inspector & Auditor.
Office of Investigations.....	Dir Policy & Program Support Staff. Chief Reactor Operations Analysis Branch. Chief, Program Technology Branch.
Ofc for Ana and Eva Oper Data.	Director Division of Contracts. Director, Div of Security. Assistant Chief Hearing Counsel III. Assistant Chief Hearing Counsel IV. Assistant Chief Hearing Counsel I. Assistant Chief Hearing Counsel IV. Asst Chf Hearing Counsel II/Antitrust Counsel. Dir Division of Accounting and Finance.
Div of Contracts.....	
Div of Security.....	
Hearing Division.....	
Division of Accounting and Finance.	

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Ofc of Small and Disadv Bus Utilization/Civil Rights.	Director.
Asst Dir for Operating Reactors.	Chf Operating Reactors Branch #1. Chief Operating Reactors Br #2. Chief Operating Reactors Br #3. Chief Operating Reactors Br #4.
Asst Dir for Licensing.....	Chief Licensing Branch #1. Chief, Licensing Branch #2. Chief Licensing Branch #3. Chief Licensing Branch #4. Chf Standardization & Spec Projects Branch. Chief Operating Reactors Branch #5. Chf, Systematic Evaluation Program Branch. Chief Operating Reactors Assessment Branch.
Asst Dir for Safety Assessment.	Chief Mechanical Engineering Branch. Chief Geoscience Branch. Chf Structures & Geotechnical Engr Branch. Chief Equipment Qualifications Branch.
Asst Dir for Components and Structures Engineering.	Chief Chemical Engineering Branch. Chief Materials Engineering Branch. Chief Site Analysis Branch. Chief Environmental & Hydrology Branch.
Asst Dir for Core and Plant Systems.	Chief Instrum & Control Systems Branch. Chief Power Systems Branch. Chief Containment Systems Branch. Chief Auxiliary Systems Branch. Chief Core Performance Branch. Chief Radiological Assessment Branch.
Asst Dir for Radiation Protection.	Chief Accident Evaluation Branch. Chief, Meteorology & Effluent Treatment Branch. Chief Reactor Systems Branch.
Asst Dir for Reactor Safety.	Chief Human Factors Engr Branch.
Division of Human Factors Safety.	Chief Licensee Qualifications Branch. Chief Operator Licensing Branch. Chief Procedures & Systems Review Branch. Chf, Operator Licensing Branch. Chief Generic Issues Branch. Chief Research and Stds Coordination Branch.
Asst Dir for Generic Projects.	Chief, Safety Program Evaluation Branch. Chief Reliability & Risk Assessment Branch. Dir NMSS.
Asst Director for Technology.	
Office of Nuclear Material Safety and Safeguards.	
Division of Safeguards.....	Chief Material Transfer SG Licensing Branch. Chief Fuel Facility SG Licensing Branch. Chief Power Reactor SG Licensing Branch. Chf, Licensing Policy and Programs Br. Chief Safeguards Special Projects Branch.
Division of Fuel Cycle and Material Safety..	Chief, Transportation Certification Branch. Chf Uranium Fuel Licensing Br. Chief Procedures and Certification Br. Chf Advanced Fuel & Spent Fuel Licensing Br. Chief, Materials Licensing Branch. Chief Repository Projects Branch. Chf Hi-Level Waste Licens Mgmt Br. Chief, Policy & Program Control Branch. Chief Geotechnical Branch.
Division of Waste Management.	



POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Division of Engineering Technology.	Chief Engineering Branch. Chief Low Level Waste & Uranium Rec P Branch. Chief, Mechanical/Structural Engineering Br. Chief Materials Engineering Br. Chief Chemical Engineering Branch. Chief Elec Engr & Instrumentation Control Sta. Chief Fuel Systems Research Branch. Chief Reactor Systems Research Branch. Chief Containment Sys Research Branch.
Division of Accident Evaluation.	Chief, Reactor Risk Branch. Chief Regulatory Analysis & Matis Risk Branch. Chief Human Factors & Safeguards Branch.
Division of Risk Analysis & Operations.	Chief, Occupational Radiation Protection Br. Chief Earth Sciences Branch. Chief Waste Management Branch. Chief Health Effects Branch. Director Enforcement Staff
Division of Radiation Programs and Earth Sciences.	Chief, Operating Reactor Programs Branch. Chief, Reactor Construction Programs Branch. Chief, Safeguards & Materials Programs Branch.
Office of Inspection and Enforcement.	Chief Quality Assurance Branch. Dep Brch Chief, Quality Assurance Branch.
Division of Inspection Programs.	Chief Vendor Program Branch. Chief, Events Analysis Branch. Chief Engineering Generic Communication Branch. Chief Incident Response Branch. Chief Emergency Preparedness Branch.
Div of Quality Assurance, Vendor & Tech Trng Ctr Progs.	Deputy Regional Administrator. Dir, Div of Radiation Safety & Safeguards. Director, Division of Reactor Safety. Dep Dir, Div of Reactor Safety. Director, Division of Reactor Projects. Deputy Director, Division of Reactor Projects. Dir, Div of Resident and Reactor Project Insp. Dir Div of Eng & Tech Inspection Region I.
Div of Emergency Preparedness & Engineering Response.	Region I.....
Region I.....	Deputy Regional Administrator Region II. Dir, Div of Radiation Safety & Safeguards. Director, Division of Reactor Projects. Deputy Director, Division of Reactor Projects. Director, Division of Reactor Safety. Dep Dir, Div of Reactor Safety. Dep Regional Administrator Region III. Director, Division of Reactor Safety. Director, Division of Reactor Projects. Dep Dir, Div of Reactor Safety. Deputy Director Division of Reactor Projects. Dir, Div of Radiation Safety & Safeguards. Deputy Regional Administrator Region IV. Director Uranium Recovery Field Office. Director, Division of Reactor Safety & Projs. Dep Dir Div of Reactor Safety and Projects. Dir, Div of Vendor & Technical Programs.
Region II.....	
Region III.....	
Region IV.....	

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Region V.....	Dir, Div of Res Reactor Proj & Eng Programs. Dir, Div of Radiation Safety & Safeguards. Deputy Regional Administrator Region V. Dir, Div of Reactor Safety and Projects. Dep Dir Div of Reactor Safety and Projects. Dir, Div of Radiation Safety & Safeguards.
Office of Management and Budget	
Office of the Director.....	Assistant Director for Administration. Deputy Associate Dir for Economic Policy. Dep Gen Counsel for Reg Affr & Litigation. Asst Dir Legislative Reference. Dep/Asst/Dir for Legislative Reference.
Office of Special Counsel/Civil Rights.	Chief, Economics, Science & Govt. Branch. Chief, Resources-Defense-International Branch.
Legislative Reference Division.	Principal Assoc Admr for Procurement. Assoc. Administrator for Management Control. Chief Information Policy Branch. Chief Reports Management Branch. Chief Regulatory Policy Branch. Chief Statistical Policy Branch. Deputy Chief, Information Policy Branch. Chief Regulatory Analysis Branch. Asst Dir Fed Pers Policy
Office of Federal Procurement Policy.	Deputy Associate Director.
Office of Information and Regulatory Affairs.	Dep Assoc Dir for Finance and Accounting. Dep Assoc Dir Mgmt Improvement Div. Asst Dir for Budget Review. Dep Assistant Director for Budget Review. Chief Fiscal Analysis Branch. Dep Chief Fiscal Analysis Branch. Chf, Budget Preparation Branch. Chf, Resources Systems Branch. Deputy Chief Budget Preparation Branch.
Associate Director for Management.	Dep Assoc Dir for Management.
Planning and Communications Management Div.	Dep Assoc Dir for Internal Affairs. Dep Chief, International Affairs Division. Chief, State—ICA Branch. Chief, Economic Affairs Branch. Chief International Security Affairs Branch.
Finance and Accounting Division.	Dep Assoc Dir for National Security. Dep Chief. Chf., Intelligence Community Branch. Chief, Navy Branch. Chief, Air Force Branch. Chief, Army Branch. Chief, Manpower, Pay & Policy Branch. Dep Assoc Dir for Management.
Management Improvement Division.	
Budget Review Division.....	
Assoc Dir for National Security and International Affs.	
International Affairs Division.	
National Security Division.	
Assoc Dir for Human Resources, Veterans and Labor.	
Health and Income Maintenance Division.	Dep. Assoc. Dir for Health & Income Maintena. Chf, Income Maintenance Branch. Chief Health & Social Services Branch. Chief Health & Financing Branch. Deputy Associate Director for Labor, Vet & Ed. Dep Div Chf-Labor. Chief, Education Branch.
Labor, Veterans, and Education Division.	

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Associate Director for Economics and Government.	Chf Veteran Affairs Branch. Dep Assoc Dir for Special Studies.
Transportation, Commerce, and Housing Division.	Dep Assoc Dir for Transportation-Comm & Housi. Chief Transportation Branch. Chief Commerce Branch. Chief, Housing Branch. Dep Assoc Dir for Transp Commerce & Justice. Chief Commerce & Justice Branch. Chief Transport General Services Branch. Dad for Justice, Treas & Gen Mgmt. Chief, Justice and Personnel Branch. Chief, Treasury & General Services Branch. Dep Assoc Dir for Housing, Treas & Personnel. Chief Treasury & Personnel Branch. Dep Assoc for Spec Studies.
Justice, Treasury and Personnel Division.	Dep Associate Dir. for Natural Resources.
Assoc Dir for Natural Resources, Energy, and Science.	Chief, Water Resources Branch. Chief, Agricultural Branch. Chief, Environment Branch. Chief Interior Branch.
Natural Resources Division.	Dep. Assoc. Dir for Energy & Science. Chief, Nuclear Energy Branch. Chief Science and Space Programs Branch. Deputy Div Chief. Chief Non-Nuclear Energy Branch.
Energy and Science Division.	
Office of Personnel Management	
Office of the Inspector General.	Inspector General.
Office of Finance and Administrative Services.	Asst for Finance & Administrative Ser.
Office of Retirement Programs.	Asst Dir for Retirement Programs
Office of the Actuary.....	Chief Actuary.
Office of Insurance Programs.	Asst Dir for Insurance Program.
Office of Standards Development.	Assistant Dir for Standards Development.
Office of Staffing Policy.....	Chief, Examining Policy Analysis Division.
Office of Agency Compliance & Eval.	Asst Dir for Agency Compliance & Evaluation.
Office of Personnel Investigation.	Asst Dir for Personnel Investigations.
Office of the Special Counsel (MSPB)	
Headquarters, Office of the Special Counsel.	Assoc. Spec Counsel (Investigation). Dep Assoc Spec Counsel (Investigation). Assoc Special Counsel (Prosecution). Deputy Associate Spec Counsel for Prosecution. Managing Director for Operations. Asst Special Counsel Planning and Oversight.
Railroad Retirement Board	
Board Staff.....	Executive Director. Assoc Exec Dir for Unempl & Sickness insur. Assoc Exec Director for Fiscal Operations. Dir. Bureau of Data Processing. Associate Executive Director for Financial. Assoc Exec Dir for Legal & Adm Serv & Gen Cou. Assoc Exec Dir for Retirement Claims.



POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
<b>Securities and Exchange Commission</b>	Chief Actuary and Director of Research. Assoc Exec Director—Field Services.
Office of the Chairman.....	Dep Chf Accountant.
Office of the Executive Director.	Dep Exec Director.
Div of Corporation Finance.	Assoc Dir (Operations).
<b>Selective Service System</b>	
Selective Service System.	Associate Director, Ofc of Mgt. Services. Chief of Staff.
<b>Small Business Administration</b>	
Ofc of the Inspector General.	Assistant Inspector General for Audit. Asst Inspector General for Investigations.
Office of the General Counsel.	Associate General Counsel for General Law. Assoc Gen Counsel Litigation. Associate General Counsel for Financial Law.
Office of EEO and Compliance.	Dir Ofc of Equal Employment Oppor & Complian.
Office of Hearings and Appeals.	Asst Administrator for Hearings and Appeals.
Office of Procurement & Technology Assistance.	Director of Procurement Assistance.
Office of Administration.....	Asst Admin for Information Resources.
Office of Personnel.....	Director of Personnel.
District Directors.....	District Dir Phila. District Dir, Reg IX, Los Angeles. District Director, Region V, Chicago. District Director, New York. District Director.
<b>Department of State</b>	
Foreign Policy Planning Council.	Member, Planning & Coordination Staff.
Bureau of Economic & Business Affairs.	Dir. Office of East-West Trade. Spec Asst Sec State Economic Affs.
Bureau of Intelligence and Research.	Dir. Ofc of Resources Policy. Dir Ofc of Research & Analysis Soviet Affs. Dep Dir. Ofc of Economic Analysis.
International Boundary & Water Commission.	Supervisory Civil Engineer.
<b>Department of Transportation</b>	
Office of Inspector General.	Asst Insp General for Auditing. Asst I/G for Policy, Planning and Resources. Asst Inspector General for Investigations. Dir Ofc of Surface Transportation Programs. Dir Ofc of Aviation Marine & Research Progs. Dep Asst Inspector General for Auditing. Dir. Office of Adp Audits & Technical Support. Asst Secy for Administration.
Asst Sec for Administration.	
Ofc of Installations and Logistics.	Dir. Ofc of Installations & Logistics. Dep Dir. Ofc of Installations & Logistics.
Assoc Adm'r for Safety.....	Assoc Adm'r for Safety. Dir. Office of Research and Development.
Ofc of Pipeline Safety Regulation.	Assoc Dir. Ofc of Pipeline Safety Regulation.
Ofc of Operations and Enforcement.	Assoc Dir. Ofc of Ops & Enforcement-M.T.B.
Maritime Administration.....	Deputy Administrator. International Activities Officer.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Office of Assoc. Adm'r for Shipbuilding Ops & Research.	Assoc Adm'r for Marketing & Domestic Enterpris. Dir/Ofc of Naval Architecture & Engineering. Dir. Office of Shipbuilding Costs & Production.
Office of Associate Administrator for Maritime Aids.	Associate Administrator for Maritime Aids.
Office of Aviation Safety.	Dir. Ofc of Aviation Safety, Ofc Aviation Saf. Dep Director, Office of Aviation Safety. Mgr. Safety Regulations Division. Dir Office of Accounting.
Office of Accounting.....	Dir Acquisition & Materiel Service. Deputy Dir Acquisition & Materiel Service.
Assoc Adm'r for Air Traffic.	Mgr. Contracts Division. Assoc. Administrator for Air Traffic. Dep Assoc Admin for Air Traffic. Manager, Procedures Division. Mgr. System Plans and Programs Division. Manager, Operations Division. Manager Quality Assurance Staff. Dir. Air Traffic Plans & Requirements Serv. Manager Automation Software Division.
Air Traffic Operations Service.	Mgr. airspace-Rules & Aeronautical Inf. Div.
Advanced Automation Program Office.	Dir Air Traffic Operations Service. Dir. Advanced Automation Program Office. Dep Dir Advanced Auto Program Office.
	Mgr. System Engineering Division. Manager System Development Division.
Office of Airport Planning & Programming.	Dir., Office of Airport Planning & Program.
Assoc Adm'r for Aviation standards.	Mgr. Grants-In-Aid Division. Assoc Adm'r for Aviation Standards.
Office of Program & Regulation Management.	Deputy Assoc Adm'r for Aviation Standards.
Office of Airworthiness.....	Dir. Ofc of Prog and Regulations Mgt. Director Office of Airworthiness. Deputy Director Office of Airworthiness. Manager, Aircraft Engineering Division.
Office of Civil Aviation Security.	Director, Office of Civil Aviation Security.
Office of Flight Operations.	Dir. Ofc of Flight Operations. Deputy Director Office of Flight Operations.
Aviation Standards-National Field Office.	Mgr. General Aviation and Commercial Div. Mgr. Air Transportation Div. Dir. Aviation Standards Natl Field Ofc.
Office of Aviation Medicine.	Deputy Director. Fed Air Surgeon. Deputy Federal Air Surgeon. Mgr. Aeromedical Stds Div. Mgr. Civil Aeromed Institute.
Mike Monroney Aeronautical Center.	
Great Lakes Region—Chicago.	Mgr. Air Traffic Division. Mgr. Flight Standards Division.
New England Region—Burlington, MA.	Mgr. Flight Standards Division.
Northeast Mountain Region—Seattle.	Mgr. Aircraft Certification Division. Mgr. Aircraft Certification Division. Mgr. Los Angeles Area, Aircraft Cert Ofc. Mgr. Seattle Area Aircraft Cert Office.
Central Region—Kansas City.	Mgr. Flight Standards Div. Mgr. Air Traffic Division. Mgr. Flight Standards Div. Mgr. Aircraft Certification Division. Manager, Air Traffic Division.
Eastern Region-New York.	Mgr. Air Traffic Division. Mgr. Flight Standards Div.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Southern Region-Atlanta.	Mgr. Flight Standards Division.
Southwest Region—Fort Worth.	Mgr. Air Traffic Div. Mgr. Flight Standards Div. Mgr. Aircraft Certification Division.
Western Pacific Region—Los Angeles.	Mgr. Flight Standards Div.
Federal Highway Administration.	Mgr. Air Traffic Division. Executive Director.
Assoc Adm'r for Admin.....	Director Office of Fiscal Services. Director Office of contracts and Procurement.
Assoc Adm'r for Safety Traffic Engr & Motor Carriers.	Assoc Adm'r/Safety Traffic Engrng & Motor Crs.
Office of Highway Safety.	Dir Ofc of Highway Safety.
Assoc Adm'r for Right of Way and Environment.	Assoc Adm'r for Right-of-Way & Environment.
Off of Environmental Policy.	Dir Ofc of Environmental Policy. Chief Environmental Operations Division.
Off of Right of Way.....	Director, Office of Right-of-Way Chief, Real Estate Division. Chief Relocation Division. Director. Dep Dir. Chf. Accident Investigation Div.
Bureau of Motor Carriers Safety.	
Natl Center for Statistics and Analysis.	Chf Safety Research Lab.
Vehicle Research and Test Ctr.	
Ofc of Vehicle Safety Comp.	Chief, Validation Division.
Ofc of Vehicle Safety Standards.	Chf Crash Avoidance Division. Chf Crashworthiness Division.
Us Coast Guard.....	Technical Director.
<b>Department of Treasury</b>	
Office of the Secretary.....	Senior National Intelligence Adviser. Chief Counsel.
Office of the General Counsel.	
Ofc of the Inspector General.	Asst Inspector (Fiscal SVC/ADP). Assistant Inspector General. Assistant Inspector General (TOSCA). Asst Inspector General for Investigations.
Ofc of Tax Analysis.....	Assistant Director (Revenue Forecasting). Senior Advisor (Economics).
Ofc of Asst Secy (Economic Policy).	Asst Dir for Economic Forecasting. Senior Adv for Bal of Payments Anal & Proj. Sr Economist.
Ofc of the Fiscal Asst Secy.	Fiscal Assistant Secretary. Deputy Fiscal Asst Secy. Assistant Fiscal Assistant Secretary.
Bureau of Governmental Financial Operations Financial.	Comm'r of Financial Management Service. Dep Com Financial Management Service. Assistant Commissioner, Information Systems. Asst Commissioner Federal Finance. Assistant Commissioner, Comptroller. Asst Commissioner Headquarters Operations. Asst Commissioner Field Operations. Director, Check Claims Group. Director Operations Group. Director, Systems Development Group. Director, Accounting Group. Director, Technology & Information Group. Asst Commissioner Administration. Director, Systems Development Group. Director, Technology & Information Group. Director, Working Capital Group.



POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Bureau of Public Debt.....	Commissioner. Dep Commr of the Public Debt. Asst Commissioner (Savings Bond Operations). Assistant Commissioner (Washington). Asst Commr (Financing). Asst Commr (Administration). Asst Commissioner (Automated Info Systems).
Federal Finance.....	Dir, Ofc of Finance and Market Analysis.
Dep Asst Secy for Development Nations.	Dir Ofc of International Debt Policy.
Ofc of Foreign Exchange Operations.	Dir Ofc of Foreign Exchange Operations.
Ofc of the Comptroller of the Currency.	Dep Comptroller for Sys and Financial Mgmt.
Ofc of the Chief Counsel.	Dir, Enforcement & Compliance. Dir, Litigation Div. Dir Legal Advisory Services Division.
Sr Dep Comptroller (Policy & Planning).	Dep Comp for Bank Organization and Structure.
Sr Dep Comptroller (Bank Supervision).	Senior Deputy Comptroller (Bank Supervision). Dep Comptroller for Internatl Rel & Fin Eval.
Special Surveillance.....	Dep Comptroller for Special Surveillance. Deputy Comptroller for Supervisory Analysis. Dir for Spec Projects. Deputy Comptroller for Trust and Securities. Chf National Bank Examiner. Assistant Chief National Bank Examiner.
Chief National Bank Examiner.	Deputy Comptroller for Operations. Senior Deputy Comptroller for Natl Operations.
Sr Dep Comptroller (National Operations).	Deputy Comptroller (Northeastern District). Deputy Comptroller of the Currency. Deputy Comptroller of the Currency. District Administrator (Midwestern District). District Administrator. Deputy Comptroller (Southeastern District). Deputy Comptroller (Southwestern District). District Administrator. District Administrator. Deputy Comptroller (Western District). District Administrator (Northeastern District). District Administrator (Central District).
Ofc of Asst Sec Admin.....	Director, Officer of Procurement
Ofc of Personnel.....	Dep Dir of Personnel. Asst Dir (Exec Manpower and Emp).
Bur of Alcohol, Tobacco, Firearms.	Assistant Director Internal Affairs. Regional Director for Investigations. Midwest Regl Counsel. Southeast Regl Counsel. Chief, Program Planning & Analysis Staff. North-Atlantic Regional Counsel. Regl Dir of Investigations, Atlanta, Georgia.
Deputy Director (Compliance Operations).	Deputy Director (Compliance Operations). Dep. Associate Dir. (Compliance Operations).
Deputy Director (Law Enforcement).	Deputy Director (Law Enforcement). Deputy Assoc Dir (Law Enforcement). Special Agent in Charge, Chicago Dist Off.
Comptroller.....	Director, Laboratory Services.
Ofc of the Chief Counsel.	Asst Chief Counsel (Customs Court Litigat). Miami Regl Counsel.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Office of the Comptroller.	Chicago Regl Counsel. New York Regl Counsel. Regional Counsel (Pacific Region). Dir Ofc of Financial Mgmt & Prog Analysis. Director, Ofc of Data Systems. Dir Budget and Planning. Director, Office of Human Resources.
Ofc of Asst Commr for Internal Affairs.	Asst Commissioner for Internal Affairs. Dep. Asst. Commissioner—Ofc. Internal Affairs.
Ofc of Asst Commr for Enforcement.	Deputy Assistant Commissioner (Enforcement). Dir Ofc of Patrol. Dir Ofc of Investigations.
Ofc of Asst Commr for Inspection & Control.	Asst Commr (Inspection & Control). Deputy Asst Commr (Inspection & Control).
Ofc of Asst Commr for Commercial Operations.	Director, Technical Services Div. Director, Classification and Value Division. Dir Ofc of Regulations and Rulings. Director, Entry Procedures & Penalties Div. Dir Duty Assessment Div. Dir Ofc of Trade Operations. Regl Commr Reg 2 NY. Regl Commr, Reg 1, Boston. Regl Commr of Customs, Reg 7, Los Angeles. Asst Regn Commr Operations Reg II, New York. Regl Commr, Reg 4, Miami. Regl Commr, Reg V, New Orleans. Regl Commr of Customs Reg VI Regional Commissioner, Chicago. Asst Regional Commr (Operations). Asst Regl Commr (Operations). Asst Regl Commr (Operations). Asst Regional Commr (Operations). Asst Regional Commissioner L.A. (Enforcement). Asst Regional Commissioner Enforcement. Deputy Regional Commissioner, Pacific Region. Area Director, JFK Airport. Area Director, New York Seaport. Asst Regl Commr—Houston (Enforcement). Asst Regl Commr—Miami (Enforcement). District Director, Los Angeles. Asst Regl Commr (Enforcement). Asst Regional Commissioner (Enforcement).
Regional Offices.....	Director of the Secret Service Deputy Director U.S. Secret Service. Asst to the Dir, Training. Asst to the Dir, Pub Affs. Assistant to the Director (Interpol—USNCB). Assistant Director, Administration. Assistant Director Inspection. Asst Dir (Protective Research). Dep. Asst. Dir. (Protective Research). Spec Agent in Charge—Tech Sec Div. Spec Agent in Charge—Intelligence Div. Asst Dir (Protective Operations). Dep Asst Dir (Protective Operations). Spec Agent in Charge—Presidential Protective. DAD Protective Opers (Uniformed Div).
US Secret Service.....	
Ofc of Administration.....	
Ofc of Inspection.....	
Ofc of Protective Research.	
Ofc of Protective Operations.	

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Office of Investigations.....	Spec Agent in Charge—VP Protect Div. Deputy Asst Dir Protective Operations. Spec Agent in Charge Dignitary Protective Div. Deputy Special Agent in Charge Pres Prot Div. Deputy Special Agent in Charge. Asst Director, Investigations. Dep Asst Dir Investigations. Special Agent in Charge, New York, Office. Dep Spec Agent in Charge—NY Field Office. Special Agent in Charge, Chicago. Special Agent in Charge, Los Angeles Office. Spec Agent in Charge—Washington Field Office. Spec Agent in Charge—Philadelphia Field Office. Dir of Special Projects (Manufacturing). Associate Director of Operations. Assoc Dir of Pol & Management. Deputy Commissioner. Asst to the Deputy Commissioner. Asst to the Commissioner (Public Affairs). Director, Legislative Analysis Division. Asst to the Commissioner (Equal Opportunity). Taxpayer Ombudsman. Director, Appeals Division. Regl Dir of Appeals—Central Region. Regl Dir of Appeals, Mid-Atlantic Region. Regl Dir of Appeals—Southwest Reg. Regl Dir of Appeals—Southeast Reg. Regional Dir of Appeals North Atlantic Region. Regl Dir of Appeals, Midwest Reg. Regional Director of Appeals—Western Region. Chief Appeals Office New York City.
Ofc of the Treasurer of the U.S.	
Bureau of the Mint.....	
Ofc of the Commissioner.	
Appeals Division.....	
Data Processing.....	Assoc Commr (Data Processing). Director, Taxpayer Service Division. Director, National Computer Center. Dir, Returns Processing and Accounting Div. Director Planning and Control Staff. Dir, Program Planning & Review Staff. Asst Dir Returns Processing & Accounting Div. Dep Asst Commissioner (Computer Services). Director, Statistics of Income Division. Assistant Commissioner (Tax System Redesign). Dep Asst Commr (Returns & Info Processing). Director, Management Systems Division. Asst Dir, Statistics of Income Division. Assistant Dir, Taxpayer Service Division. Asst Commissioner (R&IP). Director, Hardware Division. Assistant Director Software Division. Director, Software Division. Asst Commr (Computer Services). Assistant Commissioner (Inspection). Dep Asst Commr (Inspection). Director, Internal Audit Div. Assistant Director Internal Audit Division.
Ofc of Asst Commr, Inspection.	



POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
	Director, Internal Security Division. Asst Dir, Internal Security Division. Regional Inspector, Midwest Reg. Regional Inspector, North Atlantic Regional Inspector, Western Region. Regional Inspector, Southwest Reg. Regional Inspector, Mid-Atlantic Reg. Regional Inspector, Central. Regional Inspector Southeast. Associate Commissioner (Policy and Mgmt). Dir, Tax Forms & Publications Div. Dir, IRS Data Center Detroit. Dir, Finance Division. Dir, Facilities Mgt Div. Dir, Resources Management Div. Director, Tax Administration Adv Serv Div. Asst Commr (Planning, Finance & Research). Dep Asst Commissioner (Support and Services). Dep Asst Commr (Planning, Fi- nance & Resch). Asst Dir, Disclosure & Security Di- vision. Director Centralized Service Divi- sion. Director, Human Resources Tech- nology Staff. Director, Personnel Division. Assistant Commissioner (Support & Services). Director, Training and Dev Div. Director, Planning and Analysis Di- vision. Director, Disclosure and Security Division. Dep Asst Commr (Human Re- sources). Director, Research Division. Assistant Dir, Tax Forms & Publi- cations Div. Asst Fiscal Management Officer. Assistant Commissioner (Human Resources). Regional Commr. ARC (Examination) Central Region. Asst Regional Commissioner (Criminal Invest.). Asst Regl Comm (Resource Man- agement). Assistant Regional Commissioner (Collection). Asst Regl Commissioner (Data Processing). Dir Service Ctr Cincinnati. District Dir (Cleveland). District Director Detroit. District Director (Parkersburg). District Director, Indianapolis. District Director, Louisville. District Dir, Cincinnati. Asst District Director, Cleveland. Assistant District Director Detroit. Assistant Regional Commissioner (Examination). Regl Commissioner. ARC (Examination) Mid-Atlantic. ARC (Criminal Investigation) Mid- Atlantic Reg. Asst Regl Commr (Collection). Assistant Regional Commissioner (Data Proc). Service Center Dir, Philadelphia. District Dir, Newark. District Dir, Philadelphia. District Dir, Pittsburgh. District Director Richmond District. Asst District Dir, Philadelphia. Asst District Director (Newark). Assistant District Director—Balti- more, MD. District Director, Wilmington. District Dir, Baltimore.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
Midwest Region.....	Director, Foreign Operations Dis- trict. Asst Regl Commissioner (Re- sources Mgmt). Regional Commr, Midwest Region. Asst Regl Commr (Resources Mgmt). ARC (Criminal Investigation) Mid- west Region. Assistant Regional Commissioner (Data Proc). ARC (Examination), Midwest Region. ARC (Collection) Midwest Region. Svc Ctr Dir, Kansas City. District Dir, Chicago. District Director St Louis. District Dir, Des Moines. District Dir, St Paul. District Dir, Omaha. District Dir, Springfield. District Dir, Milwaukee. Asst District Dir, Chicago. Asst District Dir, St Louis. District Director, Fargo. District Director, Aberdeen. Chief, Examination Division. District Director, Helena. Regl Commr. Asst Regl Commr (Exam) North Atlantic Reg. ARC (Criminal Investigating). ARC (Resources Mgmt). ARC (Collection) North Atlantic Region. Assistant Regional Commissioner (Data Proc). Service Center Director, Andover, Mass. Svc Ctr Dir, Brookhaven. District Dir, Manhattan. District Dir, Brooklyn. District Dir Boston. Chief Examination Div Manhattan. District Dir, Albany. Dist Dir (Hartford). District Dir, Buffalo. Asst Dist Dir, Brooklyn. Assistant District Director Manhat- tan. Asst District Dir, Boston. District Director Providence. Dist Dir, Augusta. District Director, Portsmouth. District Director, Burlington. Regl Commr. ARC (Examination) Southeast Region. Asst Reg Commissioner—Criminal Investigation. Asst Regl Commr (Resources Management). Asst Regl Commr (Collection)—SE Reg Atlanta. Assistant Regional Commissioner (Data Proc). Service Center Director, Memphis. Svc Ctr Dir, Atlanta. District Dir, Jacksonville. District Dir, Atlanta. District Director Greensboro. District Dir, Nashville. District Director Birmingham. District Dir, New Orleans. District Director, Columbia. District Director Little Rock Dis- trict. District Director, Jackson, Miss. Asst District Director, Jacksonville. Assistant District Director, Atlanta. Regional Commr. Asst Regl Commr (Examination). ARC (Criminal Investigation) SW Region. ARC (Resources Mgmt). Assistant Regional Commissioner (Collection). Assistant Regional Commissioner (Data Proc). Service Center Dir, Ogden.
North Atlantic Region.....	
Southeast Region.....	
Southwest Region.....	

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
	Service Center Director, Austin. District Dir, Austin. District Director, Dallas. District Director Wichita. District Director Oklahoma City. District Dir, Phoenix. District Dir, Denver. Asst Dist Dir, Austin. Assistant District Director Dallas. District Director, Albuquerque. District Director, Cheyenne. District Director, Salt Lake City. Assistant District Director, Hous- ton. District Director, Houston. Regl Commr. ARC (Criminal Investigation). Assistant Regional Commissioner (Data Proc). Asst Regional Commissioner (Ex- amination). Asst Regl Commr (Collection). Asst Regl Commr (Resources Man- agement). Service Center Director, Fresno. District Dir, Los Angeles. District Dir, San Francisco. District Dir Reno. District Director Portland District. District Dir, Seattle. Asst District Dir, Los Angeles. Asst Dist Dir San Francisco. District Director, Honolulu. District Director Anchorage. District Director Boise. Chf, Examination Div. Los Ange- les. District Director (Sacramento). District Director, San Jose. Assistant District Director, Laguna Niguel. District Director, Laguna Niguel. Assoc Commr (Operations). Asst Comm'r (Employee Plans & Exemp & Organiza. Special Asst for Exempt Organiza- tion Matters. Spec Asst for Employee Plans. Assistant Commissioner (Examina- tion). Asst Commr (Criminal Investiga- tion). Dir Exempt Organizations Techni- cal Division. Dir Employee Plans & Exempt Org Oper Div. D/Employee Plans Tech & Actuar- ial Division. Deputy Assistant Commissioner (Examination). Dep Asst Commr (Criminal Investi- gation). Asst/Dir Exempt Organizations Techn Division. Asst/Dir Employee Plans Techn & Actuarial Div. Tech Adv/Asst to Dir, Employee Plans Div. D/A Commissioner (Employee Plans & Exempt Orgs). Dep Asst Commr (Collection). Assistant Commissioner ( Collec- tion). Deputy Chief Counsel. Associate Chief Counsel (Techni- cal). Associate Chief Counsel (Litiga- tion). Deputy Associate Chief Counsel (Technical). Deputy Associate Chief Counsel (Litigation). Director Individual Income Tax Div. Director, Corporation Tax Division. Tech Adv to Dir-Corp Tax Div. Chf, Corporation Tax Branch. Chf Individual Income Tax Branch. Chief, Engineering & Valuation Branch Corp Ta. Asst Dir, Individual Tax Division.
Western Region.....	
Operations.....	
Ofc of Chf Counsel.....	



POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
	Asst Dir. Corporation Tax Div. Dir. General Litigation Div. Dir. Tax Litigation Div. Dir. Interpretative Div. Dir. Legislation & Regulations Div. Director, Operations Division. Dir. Criminal Tax Div. Dir. Gen Legas Services Div. Director, Disclosure Litigation Division. Dir-Employee Plans & Exempt Org Div. Asst Dir Tax Litigation Div. Asst Dir Interpretative Div. Asst Dir. Legislation & Regulations Div. Chf Estate & Gift, Wage Excise & Prov Br. Chief, Reorganization Branch. Special Appellate Counsel. Sen Tech Adv to the Assoc Chf Counsel (Tech). Assistant to the Chief Counsel. Assistant to the Chief Counsel. Special Litigation Counsel. Assoc Chief Counsel (International).
Reg-L Counsels.....	Regl Counsel, Central Reg. Dep Regl Counsel (Criminal Tax). Regional Counsel, Mid-Atlantic Region. Dep Regl Counsel (Criminal Tax). Regl Counsel Midwest Region. Dep Regl Counsel (Criminal Tax). Dep Regl Counsel (General Litigation). Regl Counsel, North Atlantic Region. Dep Regl Coun (Tax Litigat) No-Atlantic Reg. Deputy Regional Counsel (General Litigation). Regional Counsel SE Region. Regl Counsel Southwest Region. Regional Counsel. Dep Regl Counsel (Gen Litigation). District Counsel-Boston. District Counsel-Los Angeles. District Counsel Cincinnati. District Counsel-Philadelphia. District Counsel-Newark. District Counsel-Chicago. District Counsel-Manhattan. District Counsel-Dallas. District Counsel-San Francisco. Deputy Regional Counsel (Tax Litigation).

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
	District Counsel Miami. District Counsel, Jacksonville, Florida. District Counsel, Washington, DC. District Counsel, Houston, Texas.
<b>US Arms Control and Disarmament Agency</b>	
Office of the Director.....	Executive Secretary.
Verification and Intelligence Bureau.	Chief, Verification Division Ver & Intell Bur. Chief, Operations Analysis Division. Senior Operations Research Analyst.
Ofc of Administration.....	Administrative Director.
Strategic Programs Bureau.	Deputy Assistant Director.
Theatre Affairs Division....	Chief, Theatre Affairs Division. Chief, Theater Affairs Division-A966.
Strategic Affairs Division.	Chf. Strategic Affs Div. Chief, Strategic Affairs Division A-977.
Nuclear and Weapons Control Bureau.	Chief, Def Prog & Analysis Div. Chf. Arms Transfer Div. Chf. Nuclear Safeguards & Technology Div. Chief, International Nuclear Affairs Division.
Multilateral Affairs Bureau.	Chief Scientist. Chief Scientist.
<b>United States Information Agency</b>	
Ofc of the Director.....	Inspector General. Assistant Inspector General for Contract.
Bureau of Management....	Director Office of Personnel. Director Office of Comptroller. Dir Off Security. Dep Dir of Admin for Technology. Dir Ofc of Contracts. Dep General Counsel.
Ofc of the Gen Counsel & Cong Liaison.	
<b>US International Trade Commission</b>	
Office of Industries.....	Dir Ofc of Industries.
Office of Investigations....	Dir. Ofc of Investigations.
<b>Veterans Administration</b>	
Inspector General.....	Dep Inspector General. Assistant Inspector General for Auditing. Asst Inspector General for Investigation.

POSITIONS THAT WERE CAREER RESERVED  
DURING CALENDAR YEAR 1985—Continued

Agency organization	Career reserved positions
	Asst Insp Gen for Policy, Plan & Resources. Executive Asst to Inspector General. Dep Asst Insp Gen for Pol, Plan and Resources. Dep Asst for Inspec General for Hdqtrs Audits. Dep Asst Inspec general for Regional Audits. Dep Asst I/G for Policy, Planning & Resources. Dep Asst Inspector General for Investigations. Chairman. Vice Chairman. Deputy Vice Chairman. Deputy Vice Chairman.
Board of Veterans Appeals.	Assoc Dir for Personnel Policy. Assoc Dir for Personnel Operations.
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Thursday, April 24, 1986

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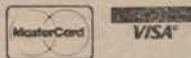
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